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United Nations

# Report of the Committee on the Elimination of Discrimination against Women

## Thirteenth session

## General Assembly

Official Records • Forty-ninth Session
Supplement No. 38 (A/49/38)

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United Nations • New York, 1994

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LETTER OF TRANSMITTAL

4 February 1994

Sir,

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its thirteenth session from 17 January to 4 February 1994 at United Nations Headquarters. It adopted the report on that session at its 258th and 259th meetings, on 4 February. The report is herewith submitted to you for transmission to the General Assembly at its forty-ninth session.

Accept, Sir, the assurances of my highest consideration.

(Signed) Ivanka CORTI
Chairperson
Committee on the Elimination
of Discrimination against Women

His Excellency Mr. Boutros Boutros-Ghali
Secretary-General of the United Nations
New York

# I. MATTERS BROUGHT TO THE ATTENTION OF STATES PARTIES

## A. General recommendation 21 (thirteenth session)

### Equality in marriage and family relations

1. The Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex) affirms the equality of human rights for women and men in society and in the family. The Convention has an important place among international treaties concerned with human rights.

2. Other conventions and declarations also confer great significance on the family and woman's status within it. These include the Universal Declaration of Human Rights (General Assembly resolution 217/A (III)), the International Covenant on Civil and Political Rights (resolution 2200 A (XXI), annex), the Convention on the Nationality of Married Women (resolution 1040 (XI), annex), the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (resolution 1763 A (XVII), annex) and the subsequent Recommendation thereon (resolution 2018 (XX)) and the Nairobi Forward-looking Strategies for the Advancement of Women. 1/

3. The Convention on the Elimination of All Forms of Discrimination against Women recalls the inalienable rights of women which are already embodied in the above-mentioned conventions and declarations, but it goes further by recognizing the importance of culture and tradition in shaping the thinking and behaviour of men and women and the significant part they play in restricting the exercise of basic rights by women.

Background

4. The year 1994 has been designated by the General Assembly in its resolution 44/82 as the International Year of the Family. The Committee wishes to take the opportunity to stress the significance of compliance with women's basic rights within the family as one of the measures which will support and encourage the national celebrations that will take place.

5. Having chosen in this way to mark the International Year of the Family, the Committee wishes to analyse three articles in the Convention that have special significance for the status of women in the family:

Article 9

> 1. States parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
>
> 2. States parties shall grant women equal rights with men with respect to the nationality of their children.

Comment

6. Nationality is critical to full participation in society. In general, States confer nationality on those who are born in that country. Nationality can also be acquired by reason of settlement or granted for humanitarian reasons such as statelessness. Without status as nationals or citizens, women are deprived of the right to vote or to stand for public office and may be denied access to public benefits and a choice of residence. Nationality should be capable of change by an adult woman and should not be arbitrarily removed because of marriage or dissolution of marriage or because her husband or father changes his nationality.

## Article 15

1. States parties shall accord to women equality with men before the law.

2. States parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Comment

7. When a woman cannot enter into a contract at all, or have access to financial credit, or can do so only with her husband's or a male relative's concurrence or guarantee, she is denied legal autonomy. Any such restriction prevents her from holding property as the sole owner and precludes her from the legal management of her own business or from entering into any other form of contract. Such restrictions seriously limit the woman's ability to provide for herself and her dependents.

8. A woman's right to bring litigation is limited in some countries by law or by her access to legal advice and her ability to seek redress from the courts. In others, her status as a witness or her evidence is accorded less respect or weight than that of a man. Such laws or customs limit the woman's right effectively to pursue or retain her equal share of property and diminish her standing as an independent, responsible and valued member of her community. When countries limit a woman's legal capacity by their laws, or permit individuals or institutions to do the same, they are denying women their rights to be equal with men and restricting women's ability to provide for themselves and their dependents.

9. Domicile is a concept in common law countries referring to the country in which a person intends to reside and to whose jurisdiction she will submit. Domicile is originally acquired by a child through its parents but, in adulthood, denotes the country in which a person normally resides and in which

she intends to reside permanently. As in the case of nationality, the examination of States parties' reports demonstrates that a woman will not always be permitted at law to choose her own domicile. Domicile, like nationality, should be capable of change at will by an adult woman regardless of her marital status. Any restrictions on a woman's right to choose a domicile on the same basis as a man may limit her access to the courts in the country in which she lives or prevent her from entering and leaving a country freely and in her own right.

10. Migrant women who live and work temporarily in another country should be permitted the same rights as men to have their spouses, partners and children join them.

## Article 16

1. States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Comment

Public and private life

11. Historically, human activity in public and private life has been viewed differently and regulated accordingly. In all societies women who have traditionally performed their roles in the private or domestic sphere have long had those activities treated as inferior.

12. As such activities are invaluable for the survival of society, there can be no justification for applying different and discriminatory laws or customs to them. Reports of States parties disclose that there are still countries where de jure equality does not exist. Women are thereby prevented from having equal access to resources and from enjoying equality of status in the family and society. Even where de jure equality exists, all societies assign different roles, which are regarded as inferior, to women. In this way, principles of justice and equality contained in particular in article 16 and also in articles 2, 5 and 24 of the Convention are being violated.

Various forms of family

13. The form and concept of the family can vary from State to State, and even between regions within a State. Whatever form it takes, and whatever the legal system, religion, custom or tradition within the country, the treatment of women in the family both at law and in private must accord with the principles of equality and justice for all people, as article 2 of the Convention requires.

Polygamous marriages

14. States parties' reports also disclose that polygamy is practised in a number of countries. Polygamous marriage contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependents that such marriages ought to be discouraged and prohibited. The Committee notes with concern that some States parties, whose constitutions guarantee equal rights, permit polygamous marriage in accordance with personal or customary law. This violates the constitutional rights of women, and breaches the provisions of article 5 (a) of the Convention.

Article 16 (1) (a) and (b)

15. While most countries report that national constitutions and laws comply with the Convention, custom, tradition and failure to enforce these laws in reality contravene the Convention.

16. A woman's right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being. An examination of States parties' reports discloses that there are countries which, on the basis of custom, religious beliefs or the ethnic origins of particular groups of people, permit forced marriages or remarriages. Other countries allow a woman's marriage to be arranged for payment or preferment and in others women's poverty forces them to marry foreign nationals for financial security. Subject to reasonable restrictions based for example on a woman's youth or consanguinity with her partner, a woman's right to choose when, if, and whom she will marry must be protected and enforced at law.

## Article 16 (1) (c)

17. An examination of States parties' reports discloses that many countries in their legal systems provide for the rights and responsibilities of married partners by relying on the application of common law principles, religious or customary law, rather than by complying with the principles contained in the Convention. These variations in law and practice relating to marriage have wide-ranging consequences for women, invariably restricting their rights to equal status and responsibility within marriage. Such limitations often result in the husband being accorded the status of head of household and primary decision maker and therefore contravene the provisions of the Convention.

18. Moreover, generally a de facto union is not given legal protection at all. Women living in such relationships should have their equality of status with men both in family life and in the sharing of income and assets protected by law. Such women should share equal rights and responsibilities with men for the care and raising of dependent children or family members.

## Article 16 (1) (d) and (f)

19. As provided in article 5 (b), most States recognize the shared responsibility of parents for the care, protection and maintenance of children. The principle that "the best interests of the child shall be the paramount consideration", has been included in the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and seems now to be universally accepted. However, in practice, some countries do not observe the principle of granting the parents of children equal status, particularly when they are not married. The children of such unions do not always enjoy the same status as those born in wedlock and, where the mothers are divorced or living apart, many fathers fail to share the responsibility of care, protection and maintenance of their children.

20. The shared rights and responsibilities enunciated in the Convention should be enforced at law and as appropriate through legal concepts of guardianship, wardship, trusteeship and adoption. States parties should ensure that by their laws both parents, regardless of their marital status and whether they live with their children or not, share equal rights and responsibilities for their children.

## Article 16 (1) (e)

21. The responsibilities that women have to bear and raise children affect their right of access to education, employment and other activities related to their personal development. They also impose inequitable burdens of work on women. The number and spacing of their children have a similar impact on women's lives and also affect their physical and mental health, as well as that of their children. For these reasons, women are entitled to decide on the number and spacing of their children.

22. Some reports disclose coercive practices which have serious consequences for women, such as forced pregnancies, abortions or sterilization. Decisions to have children or not, while preferably made in consultation with spouse or partner, must not nevertheless be limited by spouse, parent, partner or Government. In order to make an informed decision about safe and reliable contraceptive measures, women must have information about contraceptive measures

and their use, and guaranteed access to sex education and family planning services, as provided in article 10 (h) of the Convention.

23. There is general agreement that where there are freely available appropriate measures for the voluntary regulation of fertility, the health, development and well-being of all members of the family improves. Moreover, such services improve the general quality of life and health of the population, and the voluntary regulation of population growth helps preserve the environment and achieve sustainable economic and social development.

## Article 16 (1) (g)

24. A stable family is one which is based on principles of equity, justice and individual fulfilment for each member. Each partner must therefore have the right to choose a profession or employment that is best suited to his or her abilities, qualifications and aspirations, as provided in article 11 (a) and (c) of the Convention. Moreover, each partner should have the right to choose his or her name, thereby preserving individuality and identity in the community and distinguishing that person from other members of society. When by law or custom a woman is obliged to change her name on marriage or at its dissolution, she is denied these rights.

## Article 16 (1) (h)

25. The rights provided in this article overlap with and complement those in article 15 (2) in which an obligation is placed on States to give women equal rights to enter into and conclude contracts and to administer property.

26. Article 15 (1) guarantees women equality with men before the law. The right to own, manage, enjoy and dispose of property is central to a woman's right to enjoy financial independence, and in many countries will be critical to her ability to earn a livelihood and to provide adequate housing and nutrition for herself and for her family.

27. In countries that are undergoing a programme of agrarian reform or redistribution of land among groups of different ethnic origins, the right of women, regardless of marital status, to share such redistributed land on equal terms with men should be carefully observed.

28. In most countries, a significant proportion of the women are single or divorced and many have the sole responsibility to support a family. Any discrimination in the division of property that rests on the premise that the man alone is responsible for the support of the women and children of his family and that he can and will honourably discharge this responsibility is clearly unrealistic. Consequently, any law or custom that grants men a right to a greater share of property at the end of a marriage or de facto relationship, or on the death of a relative, is discriminatory and will have a serious impact on a woman's practical ability to divorce her husband, to support herself or her family and to live in dignity as an independent person.

29. All of these rights should be guaranteed regardless of a woman's marital status.

Marital property

30. There are countries that do not acknowledge that right of women to own an equal share of the property with the husband during a marriage or de facto relationship and when that marriage or relationship ends. Many countries recognize that right, but the practical ability of women to exercise it may be limited by legal precedent or custom.

31. Even when these legal rights are vested in women, and the courts enforce them, property owned by a woman during marriage or on divorce may be managed by a man. In many States, including those where there is a community-property regime, there is no legal requirement that a woman be consulted when property owned by the parties during marriage or de facto relationship is sold or otherwise disposed of. This limits the woman's ability to control disposition of the property or the income derived from it.

32. In some countries, on division of marital property, greater emphasis is placed on financial contributions to property acquired during a marriage, and other contributions, such as raising children, caring for elderly relatives and discharging household duties are diminished. Often, such contributions of a non-financial nature by the wife enable the husband to earn an income and increase the assets. Financial and non-financial contributions should be accorded the same weight.

33. In many countries, property accumulated during a de facto relationship is not treated at law on the same basis as property acquired during marriage. Invariably, if the relationship ends, the woman receives a significantly lower share than her partner. Property laws and customs that discriminate in this way against married or unmarried women with or without children should be revoked and discouraged.

Inheritance

34. Reports of States parties should include comment on the legal or customary provisions relating to inheritance laws as they affect the status of women as provided in the Convention and in Economic and Social Council resolution 884 D (XXXIV), in which the Council recommended that States ensure that men and women in the same degree of relationship to a deceased are entitled to equal shares in the estate and to equal rank in the order of succession. That provision has not been generally implemented.

35. There are many countries where the law and practice concerning inheritance and property result in serious discrimination against women. As a result of this uneven treatment, women may receive a smaller share of the husband's or father's property at his death than would widowers and sons. In some instances, women are granted limited and controlled rights and receive income only from the deceased's property. Often inheritance rights for widows do not reflect the principles of equal ownership of property acquired during marriage. Such provisions contravene the Convention and should be abolished.

Article 16 (2)

36. In the Vienna Declaration and Programme of Action 2/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, States are urged to repeal existing laws and regulations and to remove customs and practices which discriminate against and cause harm to the girl child.

Article 16 (2) and the provisions of the Convention on the Rights of the Child preclude States parties from permitting or giving validity to a marriage between persons who have not attained their majority. In the context of the Convention on the Rights of the Child, "a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier". Notwithstanding this definition, and bearing in mind the provisions of the Vienna Declaration, the Committee considers that the minimum age for marriage should be 18 years for both man and woman. When men and women marry, they assume important responsibilities. Consequently, marriage should not be permitted before they have attained full maturity and capacity to act. According to the World Health Organization, when minors, particularly girls, marry and have children, their health can be adversely affected and their education is impeded. As a result their economic autonomy is restricted.

37. This not only affects women personally but also limits the development of their skills and independence and reduces access to employment, thereby detrimentally affecting their families and communities.

38. Some countries provide for different ages for marriage for men and women. As such provisions assume incorrectly that women have a different rate of intellectual development from men, or that their stage of physical and intellectual development at marriage is immaterial, these provisions should be abolished. In other countries, the betrothal of girls or undertakings by family members on their behalf is permitted. Such measures contravene not only the Convention, but also a woman's right freely to choose her partner.

39. States parties should also require the registration of all marriages whether contracted civilly or according to custom or religious law. The State can thereby ensure compliance with the Convention and establish equality between partners, a minimum age for marriage, prohibition of bigamy and polygamy and the protection of the rights of children.

Recommendations

Violence against women

40. In considering the place of women in family life, the Committee wishes to stress that the provisions of general recommendation 19 (eleventh session) 3/ concerning violence against women have great significance for women's abilities to enjoy rights and freedoms on an equal basis with men. States parties are urged to comply with that general recommendation to ensure that, in both public and family life, women will be free of the gender-based violence that so seriously impedes their rights and freedoms as individuals.

Reservations

41. The Committee has noted with alarm the number of States parties which have entered reservations to the whole or part of article 16, especially when a reservation has also been entered to article 2, claiming that compliance may conflict with a commonly held vision of the family based, inter alia, on cultural or religious beliefs or on the country's economic or political status.

42. Many of these countries hold a belief in the patriarchal structure of a family which places a father, husband or son in a favourable position. In some countries where fundamentalist or other extremist views or economic hardships have encouraged a return to old values and traditions, women's place in the family has deteriorated sharply. In others, where it has been recognized that a

modern society depends for its economic advance and for the general good of the community on involving all adults equally, regardless of gender, these taboos and reactionary or extremist ideas have progressively been discouraged.

43. Consistent with articles 2, 3 and 24 in particular, the Committee requires that all States parties gradually progress to a stage where, by its resolute discouragement of notions of the inequality of women in the home, each country will withdraw its reservation, in particular to articles 9, 15 and 16 of the Convention.

44. States parties should resolutely discourage any notions of inequality of women and men which are affirmed by laws, or by religious or private law or by custom, and progress to the stage where reservations, particularly to article 16, will be withdrawn.

45. The Committee noted, on the basis of its examination of initial and subsequent periodic reports, that in some States parties to the Convention that had ratified or acceded without reservation, certain laws, especially those dealing with family, do not actually conform to the provisions of the Convention.

46. Their laws still contain many measures which discriminate against women based on norms, customs and socio-cultural prejudices. These States, because of their specific situation regarding these articles, make it difficult for the Committee to evaluate and understand the status of women.

47. The Committee, in particular on the basis of articles 1 and 2 of the Convention, requests that those States parties make the necessary efforts to examine the de facto situation relating to the issues and to introduce the required measures in their national legislations still containing provisions discriminatory to women.

Reports

48. Assisted by the comments in the present general recommendation, in their reports States parties should:

(a) Indicate the stage that has been reached in the country's progress to removal of all reservations to the Convention, in particular reservations to article 16;

(b) Set out whether their laws comply with the principles of articles 9, 15 and 16 and where, by reason of religious or private law or custom, compliance with the law or with the Convention is impeded.

Legislation

49. States parties should, where necessary to comply with the Convention, in particular in order to comply with articles 9, 15 and 16, enact and enforce legislation.

Encouraging compliance with the Convention

50. Assisted by the comments in the present general recommendation, and as required by articles 2, 3 and 24, States parties should introduce measures directed at encouraging full compliance with the principles of the Convention,

particularly where religious or private law or custom conflict with those principles.

## B. Suggestions

### Suggestion 5. Feasibility of preparing an optional protocol to the Convention

The Committee notes that the World Conference on Human Rights recommended:

> "New procedures should also be adopted to strengthen implementation of the commitment to women's equality and the human rights of women. The Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women should quickly examine the possibility of introducing the right of petition through the preparation of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women." 4/

and on the basis of its discussion, it suggests:

(1) That the Commission on the Status of Women request the Secretary-General of the United Nations to convene an expert group meeting to prepare a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women providing for a complaints procedure. The expert group should be composed of 5 to 10 independent experts with a knowledge of the different forms of civilization and the principal legal systems and a knowledge of international law and the experience of the other human rights treaty bodies, in the preparation and operation of optimal protocols.

(2) The expert group meeting should be convened during 1994. Upon the nomination of the experts by the Secretary-General, the secretariat of the Division for the Advancement of Women should seek written suggestions from the independent experts as to the elements which the optional protocol should comprise. The secretariat should, from those suggestions, compile a working document, which should be circulated to the experts prior to their meeting.

(3) The Chairperson should designate one of the members to participate in the preliminary exchange of suggestions and in the compilation of the working document. That member should also participate in the expert group meeting.

(4) The report on the expert group meeting should be presented first to the Committee on the Elimination of Discrimination against Women for its comment and then to the Commission on the Status of Women for action.

### Suggestion 6. International Conference on Population and Development

The Committee on the Elimination of Discrimination against Women,

Bearing in mind that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Recalling that the Convention on the Elimination of All Forms of Discrimination against Women states that the full and complete development of a

country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Recalling also that the International Conference on Population and Development, to be held at Cairo from 5 to 13 September 1994, is being held at a time when profound political, economic, social and cultural changes are taking place and when it is being recognized that the role of both men and women is the central force in sustainable development, that women constitute the majority of the world population and that the interdependence of their status with economic growth, the elimination of poverty, sustainable development and population issues,

Noting that in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, it is stated that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community, 5/

1. Reiterates the provisions of the Convention on the Elimination of All Forms of Discrimination against Women bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children;

2. Further reiterates that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole;

3. Reaffirms that women should have, on the basis of equality, the same rights as men to decide freely and responsibly on the number and spacing of their children and to have access to complete information on alternative forms of safe family planning methods and services, including education and means to enable them to exercise these rights;

4. Notes that there is a vicious cycle of women's illiteracy, poverty, high fertility rates and discrimination in formal and informal employment, as well as an interrelation of these issues with population and development issues, and that due attention must therefore be given to this interdependence in any population and development policies as well as to allowing women equal participation in the relevant governmental and non-governmental decision-making processes;

5. Reaffirms the objective of the International Conference on Population and Development to raise the quality of life for all people, notably through the guarantee of human rights, the alleviation of poverty, the creation of employment in the formal sector and protection and access to social benefits of women working in the informal sector and the improvement of health, education, nutrition and housing, and considers that, as women are generally the poorest of the poor, eliminating social, cultural, economic and political discrimination against women is a prerequisite for attaining the human rights of women and for enhancing the quality of life of the people, as well as reducing poverty, promoting economic growth and achieving sound population policies;

6. Recognizes that, in view of the increase in the number of female-headed households who are among the poorest sectors of the population, special measures should be carried out to provide for the special needs of female-headed families and that due attention should be paid to them in all aspects of population and development policies;

7. Strongly emphasizes that one of the main objectives of the Conference is to eliminate discrimination against the girl child and increase public awareness of her value as a human being, both before and after her birth; to eliminate the root causes of preferences for sons; to strengthen the girl child's self-image and self-esteem and improve the status of the girl child, especially with regard to health, nutrition and education, and to raise the minimum age of marriage of girls to 18;

8. Takes note of the economic contribution of women's domestic work and other non-remunerated work, as well as the product of their functions in the informal sector, and considers that due attention should be paid to the recognition of the value of that work in research and in calculating gross national product, which forms the basis of development and population policies and programmes, and to the necessity of eliminating all discriminatory practices impeding women's work in those areas when formulating development and population policies;

9. Recommends that, in the formulation of sustainable development policies, particularly for poor rural and urban areas, the needs and tasks of women, and their impact on natural resources, should be recognized and that women should participate in governmental and non-governmental decision-making processes on these issues on equal terms with men;

10. Notes that the severe economic situation facing many nations, both developed and developing, as well as structural adjustment programmes and the concomitant reduction in social programmes, have serious implications for the people;

11. Also notes that those implications occur particularly at the grass-roots level, where women who comprise the majority suffer disproportionately from the transition and adjustment periods;

12. Calls for appropriate measures to be carried out by Governments and international organizations and financial institutions to alleviate the burden imposed in the life of men and women and their families in this respect.

## C. Other matters

### 1. Reservations to the Convention

1. In view of its frequently expressed concern about reservations to the Convention, and bearing in mind the recommendation of the World Conference on Human Rights that States be encouraged "to consider limiting the extent of any reservations they lodge to international human rights instruments, formulate any reservations as precisely and narrowly as possible, ensure that none is incompatible with the object and purpose of the relevant treaty and regularly review any reservations with a view to withdrawing them," 6/ the Committee decided to take further steps to address the issue.

2. The Committee has on a number of occasions raised the issue of reservations to the Convention. It recognizes that the Convention allows reservations so that a maximum number of States can become parties. However, article 28 of the Convention provides, inter alia: "A reservation incompatible with the object and purpose of the present Convention shall not be permitted".

3. At its twelfth session, the Committee recalled that it had raised the issue of reservations to the Convention at its previous sessions and that at its eleventh session it had recommended, inter alia, that, in connection with preparations for the World Conference on Human Rights in 1993, States parties should raise the question of the validity and legal effect of reservations to the Convention in the context of reservations to other human rights treaties (general recommendation 20). The Committee subscribes to the recommendation of the Conference quoted in paragraph 1 above.

4. The Committee decides to bring again to the attention of the States parties the seriousness with which the Committee considers the problem of reservations and requests that this concern be conveyed to the seventh meeting of States parties.

5. The Committee decides to amend the guidelines for the preparation of initial and subsequent periodic reports, to include a section indicating how the Committee would like States parties which have entered reservations to report on this. The text of the amendment would read as follows:

> Each State party that has entered substantive reservations to the Convention should include information on them in each of its periodic reports.
>
> In reporting on reservations, the State party should indicate why it considered the reservation to be necessary and whether reservations the State party may or may not have entered on obligations with regard to the same rights in other conventions are consistent with the reservations to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the precise effect of the reservation in terms of national law and policy. It should indicate the plans that it has to limit the effect of reservations and ultimately withdraw them and, whenever possible, specify a timetable for withdrawing them.
>
> States parties which have entered general reservations that do not refer to a specific article of the Convention or reservations to articles 2 and 3 should make a particular effort to report on the effect and interpretation of them. The Committee considers these to be incompatible with the object and purpose of the present Convention.

6. The Committee also requests that a special letter be sent by the Secretary-General to those States parties that have entered substantive reservations to the Convention drawing their attention to the Committee's concern.

7. The Committee recommends that the programme of advisory services of the Centre for Human Rights and of the Division for the Advancement of Women provide, on request, advice to States parties on the withdrawal of reservations.

8. The Committee requests the Secretariat to bring the Committee's concern about reservations to the attention of the Commission on the Status of Women and

the Commission on Human Rights, as well as to the other human rights treaty bodies.

9. The Committee further requests that the Secretariat, in preparing analyses of reports of individual States parties, include in the analysis an indication of reservations made by the State to other human rights conventions on the same human rights.

10. The Committee decides, for those States parties that have entered substantive reservations, to include in the concluding observations it prepares following the review of their periodic reports a section in which the Committee's views on the reservations would be reflected.

11. The Committee notes that a number of States parties which consider reservations of other States parties to be incompatible with the object and purpose of the Convention enter objections to the reservations. It encourages those States to enter into a dialogue on a bilateral basis with the States to whose reservations they object with a view to finding a solution.

## 2. Adequate meeting time to consider reports of States parties

12. The backlog of reports pending consideration by the Committee is now very large and is growing since the number of States parties is increasing. Moreover, if an effort is made to encourage States with overdue reports to submit them, the size of the backlog will increase further. If States currently parties to the Convention were to report on schedule, the Committee would be expected to consider 30 reports per session. There is now an average of three years between the time a State party submits its report and its consideration by the Committee. This is itself a disincentive to report and leads to the need for the State to present additional information to update the report which, in turn, increases the volume of documentation that must be considered by the Committee.

13. The limitation on the duration of sessions of the Committee contained in the Convention has become a serious obstacle. The temporary extension of sessions to three weeks cannot be expected to eliminate the backlog.

14. The Committee therefore recommends that the States parties undertake to amend, on an exceptional basis and with reference only to the workings of the Committee, article 20 of the Convention to allow the Committee to meet annually to consider reports submitted in accordance with article 18. It further recommends that the General Assembly, pending the completion of an amendment process, authorize the Committee to meet, exceptionally, for two sessions of three weeks duration each preceded by a pre-session working group starting in 1995 and in the biennium 1996-1997.

15. It requests the Secretariat to bring this recommendation to the attention of the States parties at their seventh meeting in February 1994.

## 3. Overdue reports

16. The Committee notes with alarm that 38 States parties have not yet submitted initial reports. It recalls its decision to permit States parties whose reports are long overdue to combine reports. It requests the Secretariat to bring this matter to the attention of the seventh meeting of States parties

and, in cooperation with relevant organizations of the United Nations system, to provide advisory services, on request, to countries in preparing their reports.

## II. ORGANIZATIONAL AND OTHER MATTERS

### A. States parties to the Convention

1. On 4 February 1994, the closing date of the thirteenth session of the Committee on the Elimination of Discrimination against Women, there were 132 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979, and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981.

2. A list of States parties to the Convention is contained in annex I to the present report.

### B. Opening of the session

3. The Committee on the Elimination of Discrimination against Women held its thirteenth session at United Nations Headquarters from 17 January to 4 February 1994. The Committee held 27 plenary meetings (233rd to 259th meetings) and its two working groups each held 6 closed meetings. A third informal working group met four times.

4. The session was opened by the Chairperson of the Committee, Ivanka Corti, who had been elected at the twelfth session of the Committee in January 1993.

5. In her opening statement, the Secretary-General of the Fourth World Conference on Women stated that the Committee was considered one of the preparatory bodies for the Conference. The Conference, to be held in Beijing in 1995, was an opportunity for the Committee to assess the implementation of the Convention.

6. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, had underlined the importance of women's rights as human rights, while at the same time expressing concern that, although women had the same human rights as men, they did not enjoy them as much as men did. The Declaration had also underlined the importance of the integration and full participation of women, as a human right, in the sustainable development process both as agents and beneficiaries, and had emphasized that new procedures should be adopted to strengthen implementation of the commitment to equality and human rights as they related to women. The Conference had asked both the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women to examine the possibility of introducing the right of individual petition through the preparation of an optional protocol to the Convention and had asked the Committee to continue its review of those reservations that ran contrary to the object and purpose of the Convention or which were otherwise incompatible with international treaty law.

7. She said that Latin America and the Caribbean had become the first region where all States Members of the United Nations were parties to the Convention, and expressed the hope that other regions would do likewise prior to the Conference. It would be a great affirmation of the world's commitment to the protection and implementation of human rights as they related to women if, by the time of the Conference, the Convention became the first human rights instrument to achieve universal ratification without reservations.

8. The preparations for the Fourth World Conference on Women meant that it would no longer be "business as usual" in programmes dealing with the advancement of women. As one of the preparatory bodies for the Conference, the Committee could contribute to its preparation by providing guidelines on how best to ensure that the human rights of women could be enjoyed.

## C. Membership and attendance

9. All the members of the Committee, with the exception of Ryoko Akamatsu, attended the thirteenth session. Kongit Sinegiorgis attended the session from 26 January to 4 February and Rose N. Ukeje from 20 January to 4 February 1994. For the membership of the Committee, see annex II.

## D. Adoption of the agenda

10. The Committee considered the provisional agenda (CEDAW/C/1994/1) at its 233rd meeting, on 17 January. The agenda as adopted was as follows:

1. Opening of the session.

2. Adoption of the agenda and organization of work.

3. Report of the Chairperson on the activities undertaken between the twelfth and the thirteenth sessions of the Committee.

4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.

6. Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women.

7. Contributions of the Committee on the Elimination of Discrimination against Women to international conferences.

8. Provisional agenda for the fourteenth session.

9. Adoption of the report of the Committee on the Elimination of Discrimination against Women on its thirteenth session.

## E. Report of the pre-session working group

11. The Committee had decided at its ninth session 7/ to convene a pre-session working group for five days before each session to prepare lists of questions relating to the second and subsequent periodic reports that would be considered by the Committee at the session.

12. The Committee, wishing to reflect in those lists the ideas and views of various members of the Committee, decided that they should continue to submit to the Secretariat draft questions on specific countries and articles of the Convention prior to the meeting of the Working Group.

13. Following the request of the Committee, the Secretariat prepared an analysis of each State party's report based on the information presented in the initial report and in subsequent reports, and using supplementary statistical data from other United Nations sources, in order to provide information in respect of questions to which answers were still pending. In compliance with the request, the analyses also drew on other reports about the country that were available, prepared by other human rights treaty bodies or in accordance with conventions of the specialized agencies of the United Nations system. The analyses also contained, where appropriate, information specifically provided by the specialized agencies and extracts from the statistics of the United Nations Children's Fund (UNICEF).

14. The Committee had proposed five members to form the pre-session Working Group. The members present were: Carlota Bustelo, Norma Monica Forde, Tatiana Nikolaeva and Ahoua Ouedraogo. The fifth member, Salma Khan, was not able to attend.

15. The pre-session Working Group held 10 meetings, including 3 drafting sessions, at United Nations Headquarters, from 10 to 14 January 1994. Norma Monica Forde was elected as Chairperson.

16. According to the provisional agenda of the Committee (CEDAW/C/1994/1), the Working Group had to prepare lists of questions for seven countries: Australia, Barbados, Colombia, Ecuador, Japan, New Zealand and Senegal.

17. For the preparation of the lists, the Working Group had before it the reports of those seven countries; the general guidelines regarding the form and contents of periodic reports (CEDAW/C/7); the general recommendations adopted by the Committee; and the draft lists of questions received from six members of the Committee. Further reference materials included the declarations, reservations, objections and notifications of the withdrawal of reservations relating to the Convention (CEDAW/SP/1994/2); the analyses, prepared by the Secretariat, of the second periodic reports of Australia, Ecuador, Japan, New Zealand and Senegal; the combined second and third periodic reports of Barbados and Colombia and the third periodic reports of Ecuador and Japan, as well as information material received from non-governmental organizations.

18. In preparing the lists of questions, the pre-session Working Group followed the suggestion of the Committee to concentrate on a limited number of questions, to focus on analytical and qualitative aspects rather than on specific questions and to underline the achievements, remaining obstacles and matters in respect of which further information should be provided. The Working Group endeavoured to include questions that reflected, as far as possible, the Committee's more general concerns as they applied to the report under consideration.

19. As in previous years, the Working Group allocated to each of its members the main responsibility for and coordination of the preparation of a preliminary list of questions on one or two countries. Each draft was subsequently discussed, revised and amended.

20. The lists of questions drawn up by the Working Group are contained in the report of the pre-session Working Group (CEDAW/C/1994/CRP.2), which the Committee had before it. The Working Group, as authorized by the Committee, transmitted each list directly to the State party concerned on 14 January 1994.

21. The Working Group paid tribute to and recognized the value of the work done by non-governmental organizations in providing additional information material.

The Working Group commented on the length of some reports and the problems related to the late submission of additional or revised reports by some countries.

## F. Organization of work

22. The Committee considered its organization of work (CEDAW/C/1994/CRP.1) at its 233rd meeting.

## G. Composition and organization of work of the working groups

23. At its 233rd and 238th meetings, on 17 and 19 January, the Committee agreed on the composition of its two standing Working Groups: Working Group I to consider and suggest ways and means of expediting the work of the Committee and Working Group II to consider ways and means of discharging its responsibilities under article 21 of the Convention, in particular through its consideration of articles 7 and 8.

24. Working Group I was composed of the following members of the Committee: Emna Aouij, Dora Bravo Nuñez de Ramsey, Norma Monica Forde, Liliana Gurdulich de Correa, Zagorka Ilic, Lin Shangzhen, Pirkko Anneli Mäkinen, Elsa Victoria Muñoz-Gómez, Tatiana Nikolaeva, Ahoua Ouedraogo, Hanna Beate Schöpp-Schilling, Kongit Sinegiorgis, Mervat Tallawy and Rose N. Ukeje.

25. Working Group II was composed of the following members of the Committee: Charlotte Abaka, Gül Aykor, Carlota Bustelo García del Real, Silvia Rose Cartwright, Ivanka Corti, Evangelina García-Prince, Salma Khan and Teresita Quintos-Deles.

26. At its 237th meeting, on 20 January, the Committee also decided to organize Working Group III to deal with issues concerning, among others, the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. Working Group III was composed of the following members of the Committee: Silvia Rose Cartwright, Ivanka Corti, Norma Monica Forde, Zagorka Ilic, Hanna Beate Schöpp-Schilling, Kongit Sinegiorgis and Mervat Tallawy.

### Working Group I

27. The Committee agreed on the following draft programme of work for Working Group I:

(a) Reservations to the Convention;

(b) Adequate meeting time to consider reports of States parties;

(c) Overdue reports;

(d) Secretariat servicing of the Committee;

(e) Venue of the session;

(f) Review of the rules of procedure;

(g) Formulation of Committee comments on the reports of States parties;

(h) Organization of the fourteenth session of the Committee;

(i) Reports to be considered at the fourteenth session;

(j) Provisional agenda for the fourteenth session.

Working Group II

28. The Committee agreed on the following draft programme of work for Working Group II:

(a) Analysis of articles 7 and 8 of the Convention;

(b) Contribution of the Committee to the Fourth World Conference on Women;

(c) Contribution of the Committee to the World Summit for Social Development.

Working Group III

29. The Committee agreed on the following draft programme of work for Working Group III:

(a) Relations with the Centre for Human Rights:

(i) Next meeting of the Human Rights Committee;

(ii) Appointment of the official rapporteur on violence;

(iii) Plan of action of the Centre for Human Rights;

(iv) Human rights education (reply to the Assistant Secretary-General for Human Rights);

(v) Issues to be dealt with at the next meeting of Chairpersons;

(vi) Improvement of cooperation between human rights committees and their secretariats;

(b) Input (suggestions) to the International Conference on Population and Development;

(c) Feasibility of drafting an optional protocol.

## III. REPORT OF THE CHAIRPERSON ON THE ACTIVITIES UNDERTAKEN BETWEEN THE TWELFTH AND THE THIRTEENTH SESSIONS OF THE COMMITTEE

30. In her introductory statement, the Chairperson of the Committee gave an overview of the activities undertaken during the past 12 months and the results achieved. In an effort to increase the visibility of the Committee, she had participated, in her capacity as chairperson, in the thirty-seventh session of the Commission on the Status of Women, the World Conference on Human Rights, the meetings of the Third Committee of the General Assembly during its discussion of the agenda item entitled "Advancement of women" and other international conferences and events. She had frequently been confronted with a regrettable lack of knowledge about the Convention and the Committee. The limited financial and human resources of the secretariat were one of the reasons why so few outreach activities could be undertaken in the past.

31. In her contacts with the specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), UNICEF and the World Health Organization (WHO), she had received positive feedback and indications of possible cooperation, for example, in the field of human rights education and the treatment of the rights of the girl child. She emphasized the important activities undertaken by non-governmental organizations active in women's rights and suggested investigating ways to utilize their contributions more actively.

32. The World Conference on Human Rights held at Vienna represented a milestone for the recognition of the human rights of women. She noted that suggestion 4 of the Committee had been a useful tool in drawing up the resolution elaborated by the Commission on the Status of Women for the Conference, and she supported the efforts of non-governmental organizations in amending the final document of the Conference. The Vienna Declaration and Programme of Action recognized the Convention on the Elimination of All Forms of Discrimination against Women as an important international instrument in the field of women's rights. It also put the Committee on an equal footing with other human rights treaty bodies. Concerning the plans being elaborated by the Centre for Human Rights of the United Nations Secretariat for the implementation of the Vienna Declaration, she said that the Committee should react immediately and suggest action on the areas relevant to its work.

33. Concerning the working methods of the Committee, the Chairperson suggested introducing a new procedure for the examination of the reports of States parties, in particular for the formulation of final observations, following procedures adopted by other human rights treaty bodies. She suggested that the Committee consider entrusting an expert, or experts, to take the lead in studying each report. The Committee might consider preparing questions on initial reports in the same way as it had prepared questions for second and subsequent reports.

34. With regard to reservations to the Convention, neither the Vienna Declaration and Programme of Action nor the recommendations of the persons chairing human rights treaty bodies had gone further than the previous proposals for reconsideration and withdrawal of reservations by States parties. However, the Committee had to look into the matter seriously and give its own opinion and suggestions on that important issue concerning the Convention.

35. Delay in the submission by States parties of reports due should be considered a violation of international obligations and should not prevent the Committee from examining the situation in a particular country and reaching final conclusions. She pointed out the need to prepare the Committee's contribution to the International Conference on Population and Development and to the World Summit for Social Development. The Committee might also wish to reflect on its input to the Fourth World Conference on Women, in addition to the compendium already foreseen. She emphasized the need to give effective expression to the recommendations concerning articles 9, 15 and 16 of the Convention, and suggested that the agreed text might be edited to make it more accessible, concise and flexible.

## IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

### A. Introduction

36. At its thirteenth session, the Committee considered the reports submitted by 13 States parties under article 18 of the Convention: four initial reports, two combined 8/ initial and second periodic reports, five second periodic reports, two combined 8/ second and third periodic reports and two third periodic reports. The Committee also considered two reports submitted on an exceptional basis. The Committee decided, for the first time, to prepare concluding comments on each report considered but, owing to its tight schedule, it was not able to prepare comments on all the reports. For the status of the submission of reports by States parties, see annex IV to the present report.

37. The Committee's consideration of the reports of the States parties is summarized below, with a summary of the introductory presentations by the representatives of the States parties, of the observations made and the questions asked by the members of the Committee, as well as of the replies given by the representatives of the States parties present at the meetings. The summary records provide more detailed information on the reports submitted by States parties. According to rule 49 of the rules of procedure of the Committee, when the report of a State party is being examined, the representative of the State party shall be present at the meeting of the Committee and shall participate in the discussion and answer questions concerning the report.

### B. Consideration of reports

#### 1. Initial reports*

#### Guatemala

38. The Committee considered the combined initial and second periodic reports of Guatemala (CEDAW/C/GUA/1-2 and Corr.1 and Amend.1) at its 242nd and 246th meetings, on 24 and 26 January (see CEDAW/C/SR.242 and 246).

39. In introducing the report, the representative of the Government said that unfortunately, owing to financial constraints, the persons most qualified to present the report could not come to address the meeting, but that all the Committee's comments and recommendations would be analysed and taken into consideration for the elaboration of future policies and in the preparation of the subsequent report. Gender-based studies had been undertaken and certain aspects had undergone changes owing to the successive changes in administration and government policy. She gave updated information concerning the Government and demographic data. On 5 June 1993, the state of law had been restored and, with the nomination of the new President, democracy had been reinstated. According to the most recent projections, women made up 49.5 per cent of the population, of which 62 per cent lived in rural areas. She assured the members that the new President placed special emphasis on the protection of human rights.

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* Including subsequent reports, if submitted, in those cases where the initial report of the State party had not yet been considered by the Committee.

General observations

40. Members welcomed the ratification of the Convention without reservations and the well-structured, extensive and frank report that had followed the Committee's guidelines and reflected the Government's effort to integrate women into the life of the nation. It was noted that all sectors of society were represented in the preparation of the report. However, it was felt that the report could have been more analytical and that it lacked information on the de facto situation and on policies carried out to enact related laws. It was suggested that the report did not clearly indicate whether progress had been made since the ratification of the Convention or whether the advancement of women had encountered many obstacles. The report was said to lack information on national programmes to implement the policy of non-discrimination.

41. Regret was expressed that no one from the body which had prepared the report had been able to attend the meeting. While the report stated that women were not discriminated against in the country, it was noted that the country was divided in terms of class and race and that there was discrimination against indigenous women. Experts asked whether the National Office of Women's Affairs was taking any measures to counteract that phenomenon. Members also drew attention to the fact that there was no reference to the shortcomings in the Civil Code, which contained provisions that were discriminatory to women, although they had been objected to by non-governmental organizations.

42. The Guatemalan delegation's answers to the questions put by the Committee were provided by a person who, according to a member of the Permanent Mission of Guatemala to the United Nations, represented a non-governmental organization active in the area of family matters.

43. In replying to the observations of the Committee, the representative of the Government emphasized the priority attached to women's issues in the country and said that, owing to the current austerity plan, it was difficult to send Government representatives from the country to international meetings. The socio-economic and political context in which the Convention was implemented had to be taken into account in order to determine whether national laws and their application were appropriate and whether or not they should be considered discriminatory to women. She said that an appeal had been made to the Constitutional Court regarding the unconstitutionality of certain provisions contained in the Civil Code. She read out the judgement that had been consequently handed down, in which the Constitutional Court said that the Constitution protected the person and the family, guaranteed freedom, the development of the human being, liberty, equal rights and equal opportunities and responsibilities for women and men and stipulated the protection of motherhood. The judgement rejected the claim of unconstitutionality and declared fully justified the status, circumstances, functions and roles of men and women, whose discriminatory nature gave rise to the application. Upon ratification, an international treaty such as the Convention automatically became part of the Constitution and made it mandatory for the State to adopt only legal measures that were not discriminatory towards either sex. According to that ruling, none of the legal provisions contained in the Civil Code was unconstitutional, and therefore contrary to the principle of non-discrimination.

44. The members of the Committee indicated that the reading of the judgement and the views expressed by the representative of the Government increased their concern at the discrimination institutionalized in law and given expression in values and mores. In their view, it was not only a matter of a flawed report; the existing situation, in which the fundamental human rights of Guatemalan

women were being violated, must be dealt with more decisively, on the basis of an updated approach in keeping with the international commitments of the Government of Guatemala.

45. Members pointed out that no information was given in the report about any family-planning policy or about steps taken to upgrade the health of women and children. It was also not clear from the report whether the machinery to implement policies to promote the status of women had been upgraded.

46. Members noted the significant responsibilities of women in Guatemala, including those for health, hygiene and family nutrition, but that women were not given the same importance as men in outside work and in politics.

47. It was observed that political violence conditioned people to tolerate violence in general, which had an effect on attitudes towards violence against women. Political violence had to stop so that women could once again enjoy harmony and find their rightful place in society. The representative explained that the Government was currently trying to consolidate peace in order to ensure that women could enjoy well-balanced development free from violence.

48. Members expressed alarm at the ruling of the Constitutional Court, especially in a country where the content of an international treaty became part of domestic law, once the treaty had been ratified. They said that if the country wished to implement the Convention, it ought to amend some of its laws, particularly the provisions regarding family law and gender stereotypes. The presentation of the report showed that the Government did not attach much importance to women's issues and the replies given in the report only increased the Committee's concerns about the discriminatory nature of the Civil Code. There was incompatibility between the obligations undertaken by ratifying the Convention and the actual legal situation as well as its interpretation by the Constitutional Court. Members noted that this situation was completely unacceptable and suggested that the Government should seek assistance from the United Nations in correcting its legislation and in preparing its subsequent report.

Questions related to specific articles

Article 5

49. With reference to the traditional role of women in society, members expressed the need for the Government to extend more educational efforts to women. They asked which measures the Government or non-governmental organizations had taken to promote the implementation of article 5 not only in respect of changing the laws, but also in respect of doing away with socio-cultural stereotypes vis-à-vis women. The representative said that, in the opinion of some elements of society, the role of women was considered to be inferior to that of men, whereas in reality that was not the case. Education programmes were currently under way to teach men to acknowledge the participation of women in society and to share the responsibility for educating the children.

50. Members also asked whether any specific measures had been carried out in rural areas. When members requested more detailed information on the issue of violence, the representative said that education campaigns were currently being carried out to eradicate violence against women and that the subsequent report would contain information on the results of those campaigns and statistical data.

Article 6

51. Considering that Guatemalan society appeared to view prostitution with indifference and tended to blame prostitution on the women themselves without taking into consideration the social and economic environment, such an attitude entailed the risk of exploitation by men. Society should consider the reasons why women were in that situation. Members requested statistical data related to prostitution, including information on the age bracket and the social strata of the women involved, and asked whether health, education and rehabilitation services had been set up for those women.

52. The representative was convinced that those evils were caused by lack of adequate education and said that the aim of the Government was to find training and new working opportunities for those women. Non-governmental organizations had elaborated specific training programmes.

Article 7

53. Satisfaction was expressed that illiterate women were no longer discriminated against in their voting rights. Members requested statistical data on the number of women who participated in elections and on the political inclinations of women and asked whether women in rural areas were restricted in exercising their voting rights.

Article 10

54. Members asked what measures had been taken to revise school books or train educators with a view to eliminating discriminatory concepts and what had been done to reduce female illiteracy. The representative said that the concept of complementarity and gender equality would be promoted through education and that the subsequent report would contain detailed information on the measures taken in that respect.

55. Members inquired whether the gender-specific schools that had been mentioned in the report still existed both in urban and in rural areas and whether economic factors had not led to a coeducational school system. The representative explained that parents had the right to choose the form of education that they preferred for their children. There was no discrimination involved.

56. Bearing in mind the cultural diversity of the country, with some 23 different languages spoken, members asked whether the educational programmes took those cultures into account.

57. Further data were requested on the gender distribution in the various fields of study.

Article 11

58. As the country had ratified Convention 100 of the International Labour Organization (ILO), members would welcome assurances that its provisions were also being implemented and requested more information on the matter.

59. While women working in the formal sector were covered by the social security system, the majority of women worked in the informal sector and in domestic service and lacked social security coverage. It was suggested that relevant policies should be modelled on those of other countries where women

working in the informal sector were incorporated into the social security system. Regarding the law governing the supply of child-care services for enterprises with more than 30 workers, it was said that the number should not be limited to female workers; otherwise, employers would not hire women so as not to have to comply with the obligations.

60. Members required further clarification on the reasons for the wage discrimination against women and asked whether women were mobilizing themselves to defend their rights under the Convention. Members also asked whether the differences in wages between women and men were equally large in the formal and the informal sectors, whether women working in the informal sector were entitled to maternity leave and pensions and could join trade unions and what programmes had been established to improve the situation of women in the informal sector.

61. According to the report, fines for firing a woman for becoming pregnant were so low that employers simply paid the fine and fired the woman. It was hoped that future reports would address that situation. Members asked whether women's work in the informal sector was reflected in national economic statistics and what the working conditions of women in the garment industries were.

62. The representative said that women could organize themselves freely. The fact that there were not many groups was a result of cultural factors and showed the satisfaction that women felt with their society.

Article 12

63. Members inquired about the Government's family-planning policy and asked whether the programmes were geared only towards rural women or also directed towards women in urban areas and indigenous women.

64. The representative said that the family-planning policy was given wide publicity and was open to anybody. Every small community had family-planning services. Indigenous communities had equal access, but they considered the practices harmful to their traditions and habits. They also tended to object to using contraceptives because they thought that their use was a birth control method specifically targeted at them to exterminate their culture and people. The representative explained that family planning had negative effects on the population. Women had been strongly discriminated against in that all of the preventive methods had been directed only against them. Indigenous women were not given information about the effects of contraceptives on their bodies and sometimes the donation of food was linked to the use of contraceptives. Birth control led to the breakdown of the society and the family. It also had a negative effect on youth and increased the number of households headed by single women.

65. The representative stated that her country was composed of many ethnic groups and was characterized by a sense of solidarity, family support and understanding and that, consequently, it would be desirable if economic support for population control were directed towards education programmes, which would improve living standards and lead to a more balanced growth of the population.

66. As abortion was a punishable offence, members asked what the sentences were.

Article 14

67. Members expressed concern at the unequal distribution of land in rural areas and inquired about the existence of any indentured conditions under which women worked, whether rural women had access to child and health care and whether they could own land and have access to credit.

68. Members commented that in Guatemala sexist notions, such as the "natural" role of women in the context of procreation, were still being reinforced. If such sexist attitudes prevailed, they would have adverse effects on the future of girls who would choose only traditional feminine careers. Members inquired about consciousness-raising campaigns that should enhance the social and economic role of women rather than their role in the family. The representative stated that the notions of the role of women in the family should not be changed. A misunderstanding of equality would not benefit any society. It was more important to encourage the idea of the complementarity of men and women.

Article 16

69. Commenting on the minimum age for marriage, which was 14 for girls and 16 for boys, experts said that such a provision encouraged child marriages and should be abolished with a view to setting the same legal age for both partners. In her reply, the representative quoted the judgement made by the Constitutional Court according to which civil rights were acquired with the attainment of majority. Entrance into marriage required that the couple had reached majority. The different age requirements for boys and girls were based on physiological and biological factors and on the interests of society. Consequently, the difference in minimum age was not considered to be unconstitutional.

70. Regarding the concern expressed by members about the family law, which was discriminatory to women as it contained a rigid description of the roles of women and men, thus reinforcing existing stereotypes, the representative stated that the legislature sought to protect the family, as it was the foundation of the State.

71. Members expressed the opinion that the legal provision according to which the husband remained the head of the family and a woman needed the husband's permission to take up outside activities was contrary to the provisions of the Convention and extended the patriarchal system. It was a source of basic discrimination against women and, although the Constitution provided for the right to work, the "husband's law" seemed to be superior to the basic law. Likewise, the family law spoke only of the obligation of women to look after the children and take care of the household, without also mentioning the husbands.

72. In reply the representative referred to the ruling of the Constitutional Court which said that men and women had equal family responsibilities in protecting the children. The law that gave the husband the right to represent his spouse in no way harmed the wife, especially as the role of head of the family could be assumed by the wife if the husband was unable to do so because he had either abandoned the household or been sentenced to imprisonment. The administration of property was carried out by common agreement between the spouses. The representative said that the provisions according to which the husband had to provide assistance to the wife and the wife had the right and duty to care for minor children were in no way discriminatory; they were only meant to protect the wife. Neither of the two spouses could avoid their responsibilities towards their children. Women were not prohibited from taking on outside activities as long as such jobs did not prevent them from taking care

of their minor children and the household and were not contrary to the purpose of marriage and the obligations inherent in maternity.

73. When members asked whether women had taken court action to claim their rights, whether any amendment of the law was planned and what the reaction of women's groups to that law was, the representative said that no claims had ever been entered to oppose the husband as the representative of the family.

74. The representative said that it was necessary for women to educate their sons to respect gender equality and that the responsibility for educating the children was shared.

75. In reply to the comment by the members that the criminal code was discriminatory as it penalized women more heavily than men for committing adultery, the representative said that the Government was currently trying to amend the discriminatory provisions of the code.

Concluding comments of the Committee

Positive aspects

76. The Committee commended the Government of Guatemala for having ratified the Convention without reservations, and they expressed great interest in the initiatives undertaken to bring about legal changes with a view to achieving equality of Guatemalan men and women in the context of efforts to restore peace.

Principal subjects of concern

77. The Committee indicated that the Government's failure to cooperate in funding travel for the person in Guatemala responsible for matters relating to women showed that it attached little importance to the subject; such situations probably did not arise in connection with Guatemala's obligations under other human rights treaties.

78. In their comments the Committee members mostly indicated that despite the efforts made there was a clearly discriminatory situation in Guatemala in which extremely stereotyped social, economic, political and cultural roles were assigned to men and women; that situation resulted in subordination of Guatemalan women in virtually all the areas and at all the levels covered by the articles of the Convention. Information was requested with respect to the application filed by the Procurator's Office in Guatemala, on grounds of unconstitutionality, for rescission of a number of articles of the Civil Code.

79. Almost all the members said that Guatemalan legislation, particularly the Civil Code, must be brought into line with the Convention, and that as a matter of priority it was necessary to focus on the provisions of article 16; the Code contained highly discriminatory provisions that restricted or violated the fundamental human rights of Guatemalan women, which the State was under an obligation to protect as a result of its accession to the Convention and other human rights instruments safeguarding the rights in question. The members voiced similar concerns with regard to the Criminal Code.

80. The Committee expressed concern at the discrepancies that existed to the detriment of women with regard to education and employment, remuneration and involvement in economic activity; they also expressed concern about what was being done to prevent and punish violence against women, and about ways of dealing with prostitution.

81. In short, the members of the Committee commented that women did not appear to be a priority for the Government, that there was far-reaching legal discrimination, and that there was no information on initiatives to combat discrimination resulting from highly stereotyped cultural patterns or on the actual situation of women among indigenous ethnic groups. In general, they regarded the report as inadequate in the light of the recommendations made by the Committee in that connection. They expressed the view that the very wording of the report was sometimes discriminatory; that showed that the Government needed to review and adjust its approach so as to improve the situation of Guatemalan women.

Suggestions and recommendations

82. The Committee indicated that the following steps should be taken to improve the presentation of future reports:

(a) Reports should give a more detailed analysis of actual situations and provide figures and indicators; they should be less descriptive and focus less on regulatory matters;

(b) Reports should provide an analysis of all articles of the Convention and demonstrate what changes had taken place in the implementation of laws and programmes;

(c) The analysis should cover rural-urban and ethnic differences, which are a matter of great importance in Guatemala.

83. As a matter of urgency, the Government of Guatemala must bring its initiatives into line with the Convention. It must make a special effort to ensure that judges and other individuals involved in the interpretation and implementation of Guatemalan legislation, including legislators themselves, are familiar with the Convention, which is an integral part of Guatemala's legislation, with a view to bringing the provisions of the Constitution concerning equality, as well as legislation, judgements and programme initiatives, into line with the Convention and other international instruments safeguarding the human rights of women.

84. The Committee wished to know more about the status and capacities of national machinery.

85. As a matter of priority, Guatemala must make the most urgent legal changes so as to guarantee equality, particularly with regard to article 16 of the Convention.

86. The Committee therefore requested the Government of Guatemala urgently to take all necessary measures and adopt policies to improve the situation of women in Guatemala in compliance with the Convention and to report on those measures in its subsequent report.

87. It was suggested that the Guatemalan Government could request technical support for the preparation of its next report.

## Guyana

88. The Committee considered the initial report of Guyana (CEDAW/C/5/Add.63) at its 235th and 239th meetings, on 18 and 20 January (see CEDAW/C/SR.235 and 239).

89. In introducing the report, the representative of Guyana emphasized that the global economic crisis of the 1980s and the concomitant recession had hit her country hard as it was one of the most vulnerable. Forty per cent of the population in the countries of Latin America and the Caribbean were living under conditions of poverty, unable to satisfy basic needs. Owing to their vulnerable position in society, women were more harshly affected by the socio-economic crisis. The fact that poverty affected women more than men was a common phenomenon in the region.

90. As a result of the economic problems, commencing with the oil crisis in the 1970s, the "cooperative socialism" that had been the official policy of the country had undergone a critical period, which had led to a continuous breakdown of the basic infrastructure. Growing unemployment and low wages had led to increased internal migration and emigration of men. Female-headed households had increased from 24.4 per cent in 1980 to 29.5 per cent in 1992. The percentage of permanent female emigrants had also increased in the last years, resulting in a higher number of male-headed single-parent households. The influx of women into the labour force had brought with it the most profound changes in the labour market.

91. Guyana had been rated as one of the poorest countries in the Western hemisphere. The widespread impoverishment of the majority of Guyanese had brought with it a continuous decline in per capita production and real wages while prices of basic commodities were rising; a severe reduction in the quality of the educational system; hunger, malnutrition, homelessness and an increasing number of street children; inadequate housing and a decline in the public health services. As a result of such neglect of the development of human resources, the last few years had witnessed a drastic decrease in life expectancy and a rise in infant mortality.

92. Structural adjustment programmes, introduced in response to the economic problems, had brought about new forms of stress, which added to the crisis created by prior mismanagement. Severe shortages in the basic food supply had had an impact on women who were forced to queue for long hours to purchase basic commodities. Cuts in public expenditure had brought about a decline in social services, particularly health and education, as well as in infrastructure, including transportation, water supply and electricity. Women, as primary household managers and income earners, were particularly affected.

### General observations

93. Members of the Committee welcomed the very candid report, which had been presented with frankness by a high-level political representative. They recalled that Guyana had demonstrated a long commitment to the Convention and was among the first Member States to sign and ratify the Convention without reservation. It had also been the first country of the region to present a candidate for membership of the Committee.

94. Members of the Committee welcomed the political will to implement the Convention, but were aware of the cultural, social and economic constraints to its implementation. Asked whether all the provisions of the Convention were fully implemented in the legislation of the country, the representative

explained that certain articles of the Convention were dealt with in statutes, which were enforceable in the courts. There was no tardiness on the part of the Government in reducing discrimination against women, since the 1980 Constitution already contained provisions with respect to equality for women. In 1983 the Children Born out of Wedlock Act was adopted, which removed any discrimination against children born out of wedlock. In 1990, the Equal Rights Act was adopted by Parliament, giving women the right to seek redress for discriminatory practices on the basis of sex. The implementation of the Convention had improved the status of women generally, raised consciousness about the issue in women's organizations and in male-dominated institutions, and focused attention on the remaining obstacles.

95. Members were interested to learn whether the Convention could be invoked in the event of the violation of women's rights, and what was the relationship between national legislation and the Convention. The representative replied that under the law women in Guyana were given a significant degree of protection. Women's access to the courts was afforded by way of the constitutional and municipal law provisions.

96. Concerning a question about the time-frame of the programme for the advancement of women, the representative replied that a national policy statement on women existed, but that several ongoing programmes for the integration of women in development could not be fully implemented because of economic constraints.

97. Members noted that the report emphasized elimination of de jure discrimination, but that more information was needed on the de facto situation of women. In particular, more statistical data should be provided. They invited the Government, when preparing subsequent reports, to refer to existing norms and facts and to interpret changes that had taken place. That would avoid any contradictions that might appear in the present report. The representative said that her Government was fully aware of the deficiencies in the collection of data and statistics and was searching for assistance from international agencies to remedy the situation.

98. Asked whether non-governmental organizations had been consulted when preparing the report, the representative stressed that the Women's Affairs Bureau, as the national machinery, was in direct liaison with women's non-governmental organizations, and had been largely responsible for the preparation of the report.

99. Members of the Committee welcomed the clear description of the negative impact of structural adjustment programmes on women, which illustrated how political and economic change would affect women negatively, if human resource development was not considered. Members asked for further information on actions taken by the Government to mitigate the negative impact of such programmes on women and children. The representative mentioned that, under the Social Impact Amelioration Programme, periodic payments were made to elderly women and pregnant and lactating mothers, for a limited period of time, to cushion the effects of the withdrawal of government subsidies of basic goods. Guyana received assistance from a number of United Nations programmes and specialized agencies and other donors. Seventeen health-care projects had been carried out. However, significant delays in the implementation of projects were experienced, and the Government's capacity to absorb further badly needed assistance was limited by its inability to provide administrative and financial counterparts.

100. Members praised the active role women in Guyana had played in the struggle for independence, which should guarantee them the right to enjoy fundamental rights without conditions. Asked why the basic rights in the Constitution were linked not only to respect for the rights and freedoms of others, but also to respect for the public interest, the representative said that this did not lead to abuse and injustice since the courts, as guardians of the rights of individuals under the Constitution, could be approached by any aggrieved party seeking redress.

Questions related to specific articles

Article 2

101. Given the existence of different ethnic and indigenous groups in Guyana, members wanted to know if they had preserved their cultural roots, because culture could be used as a unifying force in development. More information was required on traditional customs and religious traditions, and the way they affected women and undermined the provisions of the Convention. The representative replied that the largest ethnic communities were the East Indians (49.5 per cent) and the Africans (35.6 per cent); the indigenous population of Amerindians made up 6.8 per cent of the population. As a result of the divide-and-rule practice of colonialism, the two major racial groups were divided in the late 1950s and again in the 1960s. Amerindians had originally had their own culture, but the process of socialization had altered some sections of the indigenous people, who had become involved in national life in the field of education, health and training. Under the Constitution, all citizens had the right to practise their customs and religion. Some religious norms were used to keep women down, not giving them the right to chose their husbands and not allowing them into male-dominated religious positions. However, the fundamental problem of male domination over women was inherent to all racial groups.

Article 3

102. Members of the Committee appreciated the appointment of a minister for the advancement of women and requested further information on the mandate of the Minister, the limits imposed on her work and the existence of focal points in the various other ministries. The representative replied that the Ministry of Labour, Human Services, Social Security and Housing had a Senior Minister in charge of Labour and Housing and a Junior Minister responsible for Human Services and Social Security, which included women's affairs as one of 11 areas of responsibility. No limits were imposed on the work of the Minister. With regard to the national machinery for the advancement of women, the Minister was collaborating on a weekly basis with the administrators of the Women's Affairs Bureau.

Article 4

103. It was asked which temporary measures had been taken to accelerate de facto equality between men and women. Members also inquired about existing programmes to increase the number of women in decision-making positions at all levels.

104. The representative replied that the Women's Affairs Bureau was engaged in project monitoring and the implementation of projects directly targeting women, in particular in the acquisition of skills and education, training in small business management and health.

Article 5

105. Assuming a high incidence of violence against women as in any society, members asked for information on the extent of violence in all its forms, the measures taken by the Government to eliminate violence, police intervention and court procedures. The representative replied that violence occurred at all levels of society and that about 48 per cent of women had been physically assaulted in 1993. Only recently had women started to report assaults committed against them by their spouses or common-law partners. While arresting the perpetrators, male police very often displayed reluctance to institute charges and considered the assaults a purely domestic matter. Women's organizations had therefore called for female investigators. Refuges and shelters for abused women, as well as a hotline, had been established. A draft Domestic Violence Bill was to be placed before Parliament, following the format of similar bills in other Caribbean countries. The Government and non-governmental organizations were planning an education programme to sensitize young people about other forms of conflict resolution, self-esteem and respect for females.

Article 6

106. Members sought more information on prostitution and related activities and wanted to know whether laws and specific programmes had had an impact on reducing the number of prostitutes. The representative stated that the law penalized any male person for knowingly living, wholly or partly, on the earnings of prostitution or soliciting for an immoral purpose. To prevent the increase of prostitution linked to the urban migration of young women, efforts were being made to raise the living standards in rural areas and to encourage young women there to undertake income-generating activities.

Article 7

107. Noting that the report gave figures on the percentage of women in certain high-level positions, members asked further information on the number of women in middle-level management positions, and on women's participation in non-governmental organizations, political parties and labour unions. The representative replied that women constituted a small but growing pool of middle- and lower-level managers and that their participation had risen from 14.9 per cent in 1985 to 25.4 per cent in 1993. However, women's representation at the executive level had decreased sharply, from 25.5 per cent to 12.4 per cent, during the same period. Only in the low-paying service sector and the teaching professions did women play a significant role in decision-making. Women were active in the trade unions, in both the private and the public sector, holding a few high positions in management and the executive branches. Exclusively female trade union organizations did not exist.

108. She stated that women were a clear minority at the higher echelons of public and political life and were grossly underrepresented in top positions. Female participation in the parliamentary assembly had increased significantly, from 14 per cent in 1980 to 22 per cent in 1985, but decreased to 15.7 per cent in 1993 with the change of Government. The imbalance in male-female representation in Parliament was also reflected in the Government, where only two women had been appointed, one as Health Minister and the other as Minister for Labour, Human Services, Social Security and Housing. However, in other decision-making positions in the Government, the situation had improved with an increase in the number of permanent secretaries and other high-level positions, from 21.4 per cent in 1987 to 33.3 per cent in 1993. At the regional level, the

percentage of female mayors had declined from 40 per cent in 1980 to 20 per cent in 1986 and 16.7 per cent in 1993.

109. With regard to women's participation in political parties, she recalled women's historical involvement in political life, especially in the work of parties and during elections. The major problem was that only a few women could attain leadership roles in their parties owing to male competition, lack of assertiveness and their additional burden of child-rearing.

Article 8

110. Members acknowledged the frankness of the part of the report under discussion, but asked for additional explanation about the obstacles that prevented women from participating in decision-making and whether there was actual equality of opportunity for women in access to power in public life. The representative replied that the stereotypical attitudes of women and men inhibited women's access to decision-making positions. As more women entered professional life, it was to be hoped that that trend would change.

Article 10

111. Asked for further data on school drop-out rates for girls, the representative stated that only 18.9 per cent of women dropped out at the tertiary level, compared to 81.2 per cent for men. No data were available for drop-out rates at the primary and secondary levels but they would be supplied in the next report. Drop-outs were given a second chance to pursue higher studies. In response to the question whether the programmes mentioned in the report were aimed at stereotypical vocational skills, she stated that programmes were open to both sexes, but the women opted for traditionally female-oriented programmes of study.

Article 11

112. More information was sought on equal access to training, job segregation, women's employment in health, education and the industrial sector and their contribution to agriculture.

113. The representative said that women had equal access to education and training. Training was an integral part of women's involvement in work. The gender-specific division of labour was linked to the traditional definition of women's economic roles, the majority of women being employed in the clerical, sales and service sectors. A low percentage of women found employment in the agricultural sector, where women's involvement in household subsistence farming and poultry rearing for additional family income was not taken into account.

114. A high proportion of economically inactive females was involved in domestic duties, but the figure had declined owing to the changing role of women, who needed to supplement family income.

115. Members wished to know if women had equal opportunity with men in obtaining full-time jobs. The representative noted that although women had equal opportunity with men, they were burdened by child-rearing activities traditionally considered a female responsibility. The lack of child-care facilities affected women's participation in the labour force negatively, in particular if they could not rely on grandparents or elderly relatives. The Government and non-governmental organizations were providing some day care for children.

116. In reply to the question about equal remuneration for men and women, the representative quoted the 1990 Equal Rights Act, which provided, inter alia, that women and men should be paid equal remuneration for the same work or work of the same nature. Although in general women were paid the same as men, in some private sector organizations women with similar qualifications and performing the same tasks were still paid less.

Article 12

117. Members required further information on programmes to combat the AIDS/HIV pandemic and on existing facilities for infected women. The representative stressed that the increase in HIV infection among women far exceeded that of men, although fewer women carried the virus than men. The Government had launched education programmes to combat the spread of AIDS among young people, encouraging the use and acceptance of condoms. Discussions on removing taboos associated with sexual behaviour had taken place. She also reported on efforts being made to end the stigmatization of AIDS victims.

118. Referring to the severe problem of anaemia, a very incapacitating illness for women, members wanted to know if female malnutrition resulted from the traditional diet, lack of variety of foods or poverty. Given the decrease in life expectancy, members asked for the common causes of female mortality. The representative stated that high-risk pregnancies, lack of trained medical attendants, malnutrition and abortion were some of the contributing factors. A 50 per cent decrease in government spending on health services had had an impact on the 86 per cent of the population considered to be living under the poverty line, and on women in particular.

119. Concerning family planning, members requested information on the existence of a national family planning programme, on access to special maternity services and on the availability, use and general acceptance of contraceptives. The representative informed the Committee that family planning advice and counselling was conducted at 166 clinics across the country and included the provision of various forms of contraceptives, prenatal and postnatal services, immunizations, pap smears, pregnancy tests, infertility and fertility counselling and treatment. Women, in general, accepted family planning very well. A responsible parenthood organization was conducting educational programmes for young people. The representative also said there was no government policy on family planning owing to the demographic trends of high mortality and emigration in Guyana.

120. On the incidence of abortion, the representative stated that the number of illegal abortions was high as abortion was often used as a form of contraception by women having no access to other family planning methods. The highest number of abortions occurred in the 24-29-year age group and among East Indian women, followed by Black women. There was an ongoing debate on the decriminalization of abortion as proposed in a bill tabled in Parliament.

Article 14

121. Members of the Committee welcomed the policy of decentralization and wished to obtain further information on the involvement of women at the district level. The representative replied that women were generally involved in all sectors of rural life. After the 1992 elections, there had been a resurgence of community development groups, in which women played an important role.

Article 16

122. With regard to reform of the family law, members expressed the opinion that a more comprehensive approach should be preferred to a segmented process of amendment. Harmonization with the rest of the Caribbean countries should be given special attention. The representative agreed and added that the establishment of a family court had been called for by women's organizations over the past decade. She also informed the Committee about the Married Persons Property Amendment Act and the Family Dependants Provision Act adopted in 1990, which changed the laws relating to the division of the property of spouses upon the dissolution of marriage or the break-up of a common-law relationship. In reply to a question on the equal division of marital property in case of divorce, she stated that the Married Persons Property Amendment Act made provisions for the services of the wife in the home to be quantified in assessing her contribution to the acquisition of marital property.

123. More information on female-headed households was asked for, in particular on the incidence in different ethnic groups, on their cultural acceptance and government programmes for providing assistance. The representative regretted that no data on female-headed households were available, but promised that the second periodic report would supply that information. Although the incidence of female-headed families was widespread, it was highest among the Afro-Guyanese population.

124. Specific information was sought on the Equal Rights Act that enabled courts to define discrimination and on any instances when the law had been applied. The representative informed the Committee that the Act did not define discrimination and had never been considered in the courts owing to its relatively recent passage. No cases alleging discrimination had been brought up so far.

125. The Committee deferred its concluding comments on the report of Guyana until its fourteenth session.

## Libyan Arab Jamahiriya

126. The Committee considered the initial report of the Libyan Arab Jamahiriya (CEDAW/C/LIB/1 and Add.1) at its 237th and 240th meetings, on 19 and 21 January (see CEDAW/C/SR.237 and 240).

127. In introducing the report, the representative of the Government of the Libyan Arab Jamahiriya apologized for the fact that the Assistant Secretary of the General People's Congress, who was a woman, was not able to attend and personally have a dialogue with the members of the Committee. He gave an overview of the structure of the report and highlighted its main points. He said that in his country there were no laws that were in any way discriminatory against women. Libyan legislation contained the principle of equality of women and men. The Shariah equally emphasized the importance of women in society.

128. He mentioned the modified school curricula that ensured the elimination of stereotypes and said that women received the same education as men and were encouraged to enter any kind of occupation. Prostitution was prohibited and there were no obstacles to the participation of women in political and public life. Women had the same rights as men to participate in professional associations, and the General Union of Women's Associations had been created for the promotion of women. The percentage of women in education was increasing and women were sometimes provided with better facilities than men. Maternity had no effect on seniority, social allowances and the job situation. However, women had not yet reached the same positions as men at high levels.

129. Women were considered as the cornerstone of the society. They were equal to men before the law, they had equal rights with regard to the custody of their children and they were the partners of men in civil, cultural and social life. Women could write their own wills, independent of men, and had the right to choose their husbands. Women had made big strides in the last 25 years, considering the conditions they had previously experienced in that region and, as they had penetrated all spheres of life, the country had laid a firm basis for equality.

### General observations

130. Members of the Committee commended the accession of the Libyan Arab Jamahiriya to the Convention. While thanking the representative for having appeared before the Committee, they indicated concern that Libyan women could not be present themselves to talk about their experiences. General and serious concern was expressed about the reservation that had been entered at the time of accession and about the fact that the reservation was not at all touched upon in the report. Members asked whether the Government had not taken into consideration the objections that had been raised by many countries with a view to reconsidering the issue. Bearing in mind that the Shariah had given equality to women, as mentioned in the report, it did not seem clear why the reservation was still maintained, particularly as it constrained the Government's ability to comply with article 2 of the Convention. Members felt that the interpretation of the Koran had to be reviewed in the light of the provisions of the Convention and in the light of the current social environment. It was not possible to speak of equal rights of women and yet to maintain gender differentiation and sexual stereotypes, such as insisting on the role of women as housekeepers.

131. In replying to the concerns of the members, the representative of the State party explained that the Islamic religion was designed to emancipate men and women from all forms of slavery by prohibiting injustice, making the promotion

of women a precondition for the road to paradise and calling for equality among all human beings. Any gender difference, if considered objectively, did not constitute discrimination based on sex. Reservations were entered by Islamic countries in order to avoid embarrassment in view of the literal meaning of legal texts. He assured the Committee that its concerns would be conveyed to the competent authorities.

132. In additional comments, members observed that they were still unclear about the reasons for the country's maintenance of its reservation to the Convention. They said that the reservation was very much related to the question of interpretation of the Shariah. They felt that the Shariah was very supportive of women's equality, rights and dignity. However, it had come into force 1,500 years ago and was not immutable. The Shariah itself gave equality to women, but the problem that had to be overcome was that of interpretation. Religions should evolve over time, but the evolution or the ijtihad, the interpretation of the Shariah, had come to a standstill three centuries ago. The thinking about some religious roles had not evolved from that time and it was not proper to apply a standard that had applied several centuries ago to the present world. In some countries the Shariah had been interpreted in a more progressive way, as a result of the political will of the Government. The Koran permitted the ijtihad for the interpretation of the Islamic religion. Therefore, efforts should be made to proceed to an interpretation of the Shariah that was permissible and did not block the advancement of women. The Government was urged to take a leading role in its interpretation of the Shariah as a model for other Islamic countries. Reservations that were incompatible with the goals of the Convention were not acceptable.

133. Although members commended the Government for the timely submission of its report, they criticized the fact that certain articles of the Convention had not been dealt with separately and lacked detailed information, that the report appeared to be more theoretical and did not contain information on the de facto situation of women and that it contained technical errors and contradictions. One of those errors pertained to table 2 and was explained by the representative as a typographical error in the translated version (it should read 1984 and not 1974). Members of the Committee pointed out the scarcity of statistical data, in particular regarding the issues of violence against women, migrant women, women migrating to urban areas and the drop-out rate for female school attendants.

134. While the law relating to disabled persons was praised, further comments on its legal provisions were requested. It was asked which new laws had been adopted since the country's accession to the Convention and which laws gave priority to women.

135. Members said that the implementation of an anti-discrimination policy required that policies be coherent even though they touched upon religious and ideological issues. True gender equality did not allow for varying interpretations of obligations under international legal norms depending on internal religious rules, traditions and customs. Clarification was requested for the concept of "women's natural tasks", as referred to in the report.

136. With regard to the request for further information on the Great Green Document on Human Rights (A/44/331, annex), the representative referred to paragraph 21 thereof, which called for equality between women and men.

137. Members noted with satisfaction the many positive developments on the road to achieving equality between women and men, such as the admission of women into

the judiciary, the entry of women into the armed forces, the creation of a centre for women's studies, the fixing of the same minimum age at marriage for women and men, the amendment of school books, the placement of restrictions on polygamy, the publicity given to the Convention in the media, the setting up of a department of women's affairs and the support given to women's non-governmental organizations. However, the image of women in the media needed to be changed.

138. The representative explained that the main tasks of the Assistant Secretary of the General People's Congress were the collection of data and documentation and the evaluation and analysis of issues relating to women; the elaboration of plans to integrate women into all social, cultural, economic and political spheres of life; the removal of existing obstacles; the coordination and dissemination of information regarding the achievements of women and the promotion of women's access to international and national political forums. Additional coordination offices had been established to assist in raising the awareness and consciousness of women.

139. Members of the Committee sympathized with women and men in the country because of their sufferings as a result of Security Council resolution 748 (1992) concerning the aerial embargo, and said that such sanctions always had a strong impact on the status of women and children.

Questions related to specific articles

Article 2

140. The representative said that the principle of gender equality was clearly spelled out in the Constitution and in the Great Green Document on Human Rights. Libyan legislation protected the rights of all citizens, regardless of gender, particularly in the fields of education, health, and social, cultural, professional and political life, and set out corresponding measures to guarantee those rights.

141. Replying to questions related to what kind of recourse action was available to women who had been discriminated against, he stated that the Supreme Court had stressed the principle of equality as a fundamental human right and that all citizens had the right to resort to the courts in the event of any violation of that fundamental right. He pointed out that any laws that discriminated against women had been abolished and that penal law did not contain any discriminatory provisions.

Article 3

142. The representative explained that the Government had adopted many executive and administrative measures to safeguard women's exercise of their rights and freedoms in the same way as for men. Women enjoyed their natural rights in professional associations and syndicates and could assume their natural roles in society.

Article 4

143. Members felt that the Government had taken some special measures although they were not reflected as such in the report. Members were doubtful whether the meaning of article 4 had been properly understood. They expressed the hope that the subsequent report would take those observations into consideration. Members asked how the new Department of Women's Affairs in the secretariat of

the General People's Congress cooperated with non-governmental organizations and whether the department was considering taking temporary special measures.

144. Replying to those questions, the representative said that special measures had been taken at the executive level in giving women the right to take posts in the judiciary, to participate in female basic people's congresses and other conferences and in creating a military academy for girls.

Article 5

145. Although members commended the prohibition of violence against women, they asked what measures were established for preventing such violence and for protecting the victims, and whether women were allowed to leave their husbands in the event of violent acts. The representative stated that, according to the law, violence against women within marriage was prohibited. In cases of acts of marital violence, women could seek separation in court and unmarried women who became victims of violence could also resort to the courts. No statistical data were available, but violence against women did not constitute a dangerous phenomenon in the country.

146. Regarding questions concerning female circumcision, the representative stated that the practice of female circumcision did not exist in the country.

147. Referring to traditional attitudes, members queried the concept of stereotypes in the country. Although the report stated that stereotypes had been eliminated in textbooks, it suggested that the concept was maintained with regard to women's roles in society. When asked which customs jeopardized the advancement of women and what measures had been taken to remove such negative traditional attitudes, the representative said that women's concerns were taken into consideration in all development plans, such as in the development of school curricula favourable to women. Women's efforts to acquire knowledge and enter into judicial and diplomatic posts, as well as to pursue trades, undertake vocational training and travel outside the country were manifestations of changes in the attitudes of Libyan society.

Article 6

148. With reference to the general recommendations of the Committee regarding the issues of violence against women, HIV/AIDS and the Declaration on the Elimination of Violence against Women, members requested more detailed information on the implementation of their provisions.

149. Considering that prostitution was a widespread phenomenon, members sought more information on the de facto situation and the exploitation of women by way of prostitution, and asked for relevant statistical data. Concerning law 70 of 1973, it was asked whether the sanction under article 407 applied to the prostitute or to the client, what the criteria were for an "indecent act" under article 408, whether male prostitutes were put under the same sanctions as female prostitutes and what the sanctions for offences under articles 415 and 416 were.

150. The representative replied that since traffic in women and forced prostitution were punishable crimes, no policy measures regarding prostitution existed.

151. In additional observations, members requested clarification of the rights of prostitutes who were also women and, as such, should be covered by the Convention.

152. Members inquired why sanctions against prostitution were linked to those against adultery.

153. The representative explained there was no discrimination in the punishment for adultery, whether committed by men or women.

154. Addressing questions regarding artificial insemination the representative apologized for the mistake of including the issue under article 6 and said that artificial insemination was permissible only between husband and wife and that it required the consent of both.

Article 7

155. Clarification regarding the political organization of the country was sought, and members asked for detailed statistical indicators in subsequent reports in order to illustrate the progress made.

156. Members inquired whether women's organizations were set up by the Government or at their own initiative, and whether women had the right to vote. They felt that what was stated in the report under article 7 reflected the patriarchal structure of Libyan society and its discriminatory spirit, in that decisions regarding women's issues were taken in special female bodies. Furthermore, they inquired about the relationship between the People's General Congress and the female basic people's congresses, and asked whether the female congresses had decision-making power over national issues and, if so, which ones. Members also asked which posts were exclusively reserved for women, because such measures could also be discriminatory against women.

157. The representative explained that the incumbents of the various political posts mentioned in the report were elected, not nominated. Women were admitted not only to the female basic people's congresses, but also to other forums. It was difficult to quantify women's participation in political life, but there were special programmes for raising political awareness among women.

158. Regarding the statement in the report that "no political concentration camps" existed in the country, the representative said that the correct translation should read "no female political prisoners exist in the country, at the time of writing this report".

159. In additional observations, members expressed concern about the fact that women could participate equally with men in times of war and carry weapons but that, once the conflict was over, their political rights were overlooked.

Article 9

160. In reply to the question whether women were made aware of their rights under the law concerning nationality, the representative said that all laws were published in the official gazette and could be consulted by any citizen.

Article 10

161. Regarding comments made on the gap in enrolment figures between boys and girls in secondary education and regarding questions about the reasons for that

phenomenon, the representative said that it would be necessary to update relevant statistics and to investigate the reasons. No information was given about programmes for girls who dropped out of school.

162. Members expressed concern about certain stereotypical attitudes in school education. They asked for clarification of family-life education and whether education was geared to girls and young women in such a way that they could take advantage of their rights. The representative said that coeducation existed.

Article 11

163. Members requested data on all occupations, broken down by sex, and on female unemployment. They wanted to know in which branches of activity women were in the majority and whether as many women were employed in the private sector as in the public sector.

164. Commenting on the provision that employers with a workforce of over 50 women were required to provide child-care facilities, members said that in effect it prevented the opening of child-care facilities because only a few enterprises had more than 50 working women.

165. Regarding inquiries about the professions that were deemed dangerous to women and the request for explanations concerning the prohibition of night work for women, the representative said that the list of dangerous professions was not available and that the policy had been adopted not to discriminate against women, but to protect them.

Article 12

166. Questions under this article referred to the greater number of men than women living in the Libyan Arab Jamahiriya and whether that was the result of the higher mortality rate of women; the issue of teenage pregnancies in the light of the health risks involved and their consequences for women's advancement; the position of disabled women and the reasons for the rule that the husband's approval was necessary in cases of family planning.

167. Members noted that the large number of nurses confirmed that women mostly took up traditional feminine careers and they requested statistics on the incidence of HIV/AIDS and information on policies and measures to prevent that disease.

Article 14

168. Members asked what unpaid agricultural work was.

Article 16

169. Members sought clarification for the contradictory statements in the report referring to custody and tutelage after divorce and inquired whether the Government intended to remove such discriminatory practices as the passing of custody of the children to the father after divorce, the loss of all the woman's rights and the obligation to pay compensation in case of divorce by the wife. Clarification was also requested for the provision under which a woman had the right to choose her husband and enter into marriage after consulting her legal guardian.

170. Regarding questions about marriages between close relatives and their percentages, the representative said that marriage to the mother, sister, niece and aunt was banned. However, other marriages between close relatives were permitted.

171. Considering that it was stated in the report that husband and wife had equal rights but different responsibilities, members asked whether such a provision, as well as the provisions regarding dowry, diminished the exercise of equal rights for women.

172. Concerning the "limited framework" regarding polygamy, the representative explained that Libyan legislation preferred monogamy and that polygamy was the exception to the rule and on the decrease. Marriage to a second wife was possible only upon written permission by the first wife or by the courts and, furthermore, only if the husband's health and financial situation allowed it. Regarding the reaction of women to the practice of polygamy the representative said that they had the choice of objecting to it or accepting it. Members questioned whether any woman would agree to such an arrangement except under the threat of divorce or other forms of coercion.

173. Regarding the adoption of children, the representative explained that it was not legitimate in Islam, because Islamic law did not permit giving a person a name other than that of the father. Care of a child was acceptable without changing its name.

174. He explained that the provision under which female children inherited half of what male children inherited was not discriminatory to women, since women acquired that part of the inheritance without commitments, whereas men had to take over all the concomitant obligations. Therefore, the Shariah should not be interpreted as discriminatory. The members consequently felt that there was no need to enter a reservation, because, with that interpretation, women were treated equally with men.

175. In the course of additional observations members expressed concern about the issues of inheritance and adoption.

Concluding comments of the Committee

Introduction

176. The Committee congratulated the State party on the information contained in the report and the additional details provided to it orally. The Committee noted with satisfaction that the report had been submitted within the prescribed time-limit and that, in general, it respected the guidelines for presentation of reports. The Committee appreciated the cooperation shown by the representative of the State party, as well as the representative's willingness to answer the many questions raised by its members. However, the Committee regretted that the report provided no information on the de facto application of the Convention, or on obstacles and difficulties impeding its implementation.

Positive aspects

177. The Committee noted with interest the progressive de jure measures adopted by the State party to promote the integration of women into all areas of development, particularly education and the armed forces.

178. The Committee appreciated the political will to improve the status of women demonstrated by the State party, as well as its determination to persist in efforts to speed up such improvement.

Principal subjects of concern

179. The Committee was concerned by the State party's declaration of a general reservation on ratifying the Convention and considered it to be incompatible with the Convention's purpose and objective.

180. The Committee noted with concern a contradiction in the State party's report. While the State party was on the one hand introducing revolutionary measures for the emancipation of women, it was on the other hand emphasizing their role as mothers and housewives, thus reinforcing what was already stiff cultural resistance to substantial change.

181. The Committee regretted the lack of any specific information in the State party's report on the implementation of articles 2 and 5 of the Convention.

182. The Committee also noted a scarcity of information on the particular problems of women in rural areas and the important role they played in the family economy.

Suggestions and recommendations

183. The Committee recommended that the State party take all the necessary measures to reconsider the general reservation entered on its ratification of the Convention.

184. The Committee recommended that, in its next report, the State party follow the order of articles as set out in the Convention, so as to provide all the information required for their application in practice. It should also provide information on the Committee's recommendations, in particular on violence against women, as well as statistics on women's participation in all spheres. The State party should take all appropriate legislative or other measures and introduce all the reforms required to bring its national laws into line with the spirit and the provisions of the Convention. It should in particular ensure that social and cultural prejudices did not raise new obstacles to women's development, especially in rural areas.

185. The Committee also recommended that the State party strengthen existing mechanisms to advance the status of women, with a view eventually to eliminating all forms of discrimination.

## Madagascar

186. The Committee considered the initial report of Madagascar (CEDAW/C/5/Add.65/Rev.2) at its 236th and 237th meetings, on 18 and 19 January (see CEDAW/C/SR.236 and 237).

187. In introducing the report, the representative of the State party pointed out that the report suffered from certain gaps and outdated information. She noted that there was a general lack of statistical data and that the last national census had been taken in 1975. She provided information about recent measures taken to improve the situation of women, including amendments to laws and activities undertaken by the Directorate for Women's and Children's Affairs

of the Ministry of Population, working in conjunction with non-governmental organizations such as the 8th of March Association. She stated that the new Constitution guaranteed complete equality for women and that a process of democratization had been in progress since 1991.

188. The country's economy had suffered as a result of structural adjustment programmes, so that workers were the lowest paid in the world.

189. Her country had participated in an African Regional Preparatory Meeting for the Fourth World Conference on Women and a national workshop had been organized in September 1992, which was being followed up by regional workshops within the country.

190. Traditions and customs in the country were important and in certain cases constituted obstacles to women's achievement of equality, while in other cases they favoured women.

191. She noted that the report did not provide information on articles 1, 2 and 3 because it was considered that the articles were phrased too generally for specific comment.

General observations

192. Members of the Committee expressed concern that the report lacked statistics that could indicate the de facto situation of women and noted that it lacked details on many points. In response, the representative of the Government noted that the next report would contain more statistics and would go into greater detail about issues. In many respects the country had lacked sufficient administrative infrastructure to provide much information.

193. Members of the Committee stressed their concern about the effects of structural adjustment programmes on women's advancement.

194. Referring to the question of traditions and customs, it was also pointed out that traditions were deeply rooted; however, modernization did not mean abandoning them but adapting them. Women were not just a vulnerable group but half of the population and that fact had to be taken into account when talking about progress.

195. The question was asked whether there had been any benefit to the country's having ratified the Convention. In response, the representative noted that ratification had resulted in article 6 of the new Constitution, which ensured that there would be equality between men and women, and a special preambular provision in the Constitution related to the Convention. That meant that, under the positive law doctrine in force in the country, the Convention was incorporated into all laws. In a follow-up comment, members noted that the Convention on the Elimination of All Forms of Discrimination against Women was not specifically mentioned in the Constitution, in contrast to other human rights instruments. It was observed that the Convention could help in improving the situation of women, particularly through the implementation of article 4.

196. In response to a question about the extent to which non-governmental organizations were involved in preparing the report, it was stated that an effort would be made to consult with such organizations in preparing the next report.

Questions related to specific articles

Article 2

197. Having noted that no report had been made on article 2, members of the Committee stressed the particular importance of the article, which contained the entire normative infrastructure of the Convention and established the basis for the Convention's implementation. It was noted that the report reflected a patriarchal influence that would have to be addressed step by step to update the role of women, in order to raise their status in the country. In that respect there was a need for changes and new orientation.

198. In reply, the representative informed the Committee that the Government had thought there was no need to provide details as they would have emerged naturally from the development of the following articles. She stated that the information would be included in the next report. She also noted that there was a constitutional prohibition against discrimination based on sex and that there was a provision for appeals to the Constitutional Court.

Article 4

199. The representative noted that no special measures had been taken. Members expressed some concern about that matter, referring especially to the fact that, in its report on article 8, the Government had indicated that there was no prohibition with regard to public service. That was insufficient and a more proper reply would be to take positive measures. There was a tendency to see only de jure matters, whereas de facto change was as important. It was noted that in fact it seemed that some special measures had been taken.

200. In reply, it was noted that the workshop in 1992 mentioned above had recommended 50 per cent participation by women in decision-making and that, in 1993, the 8th of March Association had called for a 25 per cent quota for women in the National Assembly, although that had not yet been achieved.

Article 5

201. In assessing the implementation of the article, the representative noted that it was difficult to specify whether changes in attitudes had occurred. There was a project under the Ministry of Population with UNFPA funding that was concerned with family-based education and income-generation by women, which included telling women about their rights. She also noted the important role of non-governmental organizations, particularly women journalists and the Association of Women Jurists.

202. It was asked whether the Government had a policy to eliminate discrimination in the labour force and whether there was a plan.

203. In reply, the representative noted the centres that had been established to be used for education and training, which sought to mobilize women for action. The Government had two programmes on the radio to provide education on family law.

Article 6

204. The representative noted that the problem of prostitution was found in the informal sector and was related to poverty. It was also related to rural-urban

migration and urban growth. While it was illegal, laws were difficult to enforce because of an inability to recruit additional police.

205. The attention of the Government was drawn to the Committee's general recommendation 19 on violence against women, and information was requested on whether women and women prostitutes had the same rights to protection against violence as other women and access to health services and HIV/AIDS programmes. In reply, the representative stated that prostitution was generally disapproved of but that the society was flexible in condemning women because of the existing poverty and the need to survive. Violence was considered a breach of the law whether it involved prostitutes or other women, but had degrees of seriousness that were penalized appropriately, ranging from fines to imprisonment.

Article 7

206. The representative stated that women enjoyed equal rights with men with regard to voting and holding office. There were 7 women deputies out of 138 in the National Assembly, although only one female member of the Government, the State Secretary for Higher Education, was a woman. The President of the Appeals Courts was a woman, as well as one of six university rectors, and women were found at other levels of the government administration, including the Office of the Controller, which was headed by a woman. In August 1993, a campaign had begun to put women at the head of electoral lists for the next elections in 1994.

207. More details were requested in the next report on the issue of women and decision-making as well as information about the causes for their limited participation in that field.

Article 8

208. The representative noted that there was no prohibition against women representing the country at international levels, but no women had been appointed ambassador since independence.

209. Commenting on that matter, members of the Committee raised questions about the actual situation and the measures taken to bring the equality in law into practice.

Article 9

210. Regarding the question of nationality, the representative said that equality was not a problem.

211. Referring to the exceptional circumstances in which the nationality of a Malagasy mother could determine the nationality of her legitimate children, the question was asked what would be the situation of a child who had to wait until she or he was of age to claim the mother's nationality if the parents divorced. It was asked whether she or he was still prevented from receiving the mother's nationality.

Article 10

212. The representative stated that equality of access to education was stressed. She noted that in the provinces female enrolment was higher than male and that, in general, the success level was higher for girls than for boys. The situation had been jeopardized by the acute economic crisis because, when

individual choices had to be made to send only some children to school, boys would be given preference.

Article 11

213. The representative indicated that laws guaranteed equal rights in employment in both the public and the private sectors. In 1993 a growing number of women had begun working in factories, especially in the export-processing zone and in clothing manufacturing. There had been some harassment of women reported in the export-processing zone, as well as threats by companies. The salaries paid were at the lowest levels in the world.

214. Differences were noted between the benefits provided in the public and in the private sector with regard to maternity leave and the reasons for that were sought. In reply the representative noted that the differences were due to the nature of the employer. It was easier to have the Government comply than the private sector, although the attitudes that led to the differences should be deplored.

Article 12

215. The representative indicated that there was also equality between men and women in health issues but an increase in maternal mortality had been noted in recent years.

216. Members of the Committee were concerned by the situation of rural women and their access to health, and questioned the method used for family planning and the high level of women's mortality. The representative stated that both men and women enjoyed the same rights concerning health. Nevertheless, two factors affected women's health: insufficient medical assistance and family planning. Those factors had thus determined the objectives of the national policy on population.

217. In answering a question whether there were special programmes for women's health, the representative stated that there were some programmes, such as that relating to breast cancer, and that HIV/AIDS was not a major problem in the country. In response to a question on female circumcision, she said that it was not practised.

218. The Committee requested an assessment of the results of the implementation of health policies in effect and how they influenced young people, the use of contraceptives by women and the involvement of non-governmental organizations in those programmes. The Committee also expressed interest in legal literacy to enable women to defend their own rights.

Article 13

219. The representative stated that women had guaranteed equal rights to assistance provided to the family and facilities for credit as well as for their participation in cultural and sports activities.

Article 14

220. The representative stated that women were guaranteed a right to participate equally in agricultural activities.

221. Taking into account the fact that the majority of the population lived in rural areas, information was requested on measures that had been taken in respect of agrarian reform, irrigation, credit systems and other agricultural inputs. The representative stated that women in the rural areas could participate fully in organizations aimed at their advancement and that they could own land.

222. In reply to a question raised in connection with the establishment of a bank for dealing with credit in the rural areas, the representative stated that it was a major concern in the country. However, the bank that would deal with that issue had not been established. There was a project for women which had set up a savings bank in mid-1993; no assessment had been made as yet.

Article 15

223. The representative informed the Committee that there was no discrimination against women in the justice system and they enjoyed legal provisions on equal terms with men. Women could appear in court and represent themselves, represent others, become members of the jury, have general access to legal recourse, execute a will and be witnesses without interference from their husbands. However, in certain regions there was a custom according to which women could not inherit, although that was not supported by law. They could inherit only if a will had been executed.

Article 16

224. The representative provided additional information, stating that married women could retain their maiden names even in the context of their traditions. With respect to any apparent differences between men and women, when adultery was committed by a wife it was considered a major offence, while in the case of the husband it was regarded as a simple offence with minor penalties. She expressed disapproval in that regard, and indicated that women were working together to tackle that point in the National Assembly. In order for women to enjoy peace, equality and development, they needed to win their rights.

225. Questions were raised about the situation of married women, including equality in the choice of domicile, and the implementation of laws that placed women in a disadvantaged position with respect to men. Other issues raised along the same lines concerned unregistered common law unions and other traditional practices that affected the dignity of the woman, for example, when the husbands had to pay compensation in cases of conflict and temporary separation; the difference in legal age for marriage between boys and girls; the provision of the Convention o the Rights of the Child, by which a 14-year-old was a child, and the provision of the national law granting the right to marry to a 14-year-old girl; polygamy, which, although forbidden by law, was increasing; inheritance rights and property rights.

226. In response to the questions, the representative explained that some practices and traditions were favourable to women, who did not object to them. Examples included being allowed to retain their maiden names and to receive gifts in the course of solving marital conflicts.

227. According to the representative, in the view of the women of the country, the compensation that was provided by the husband to the wife was not considered as a price but as a penalty. It was also seen as a way of apologizing, which the women liked very much. In addition it was also seen as a compensation for abuses by the husband.

228. She explained that polygamy was beyond the control of the law as the problem lay in the gap existing between the law and its enforcement. Many people lived at the margin of the law and, given the inadequate number of police, people could easily violate the law with impunity.

229. In providing an explanation in connection with spousal inheritance rights, she said that, in the absence of a will, the surviving spouse was relegated to the eighth place among the heirs by virtue of a custom of retaining the property within a family and thus giving preference to children in terms of inheritance.

230. With regard to the property acquired during the marriage, she provided additional information to the effect that, when one of the spouses died, the community property came to an end and, in accordance with the law, the property acquired during marriage was divided into two if no will had been made. Customary practice supported the principle that property acquired before the marriage remained the property of the family. There had been changes in the new law with respect to domicile, according to which the decision had to be taken jointly by the spouses. Another change indicated concerned the pension for the widow of an official, who was now allowed to continue receiving the pension of the late husband. Those points were indicated as part of the progress made with respect to equality of women.

231. The differences between boys and girls in the allowable age for marriage had been based on fecundity. It was noted that the practice was also contrary to the Convention on the Rights of the Child.

Concluding comments of the Committee

Positive aspects

232. The Committee commended the presentation of the report by the distinguished representative, and members expressed their gratitude that, in spite of the numerous difficulties facing the country, it has been possible for the country to submit the report.

Principal subjects of concern

233. The Committee expressed its concern about the long delay in the submission of the initial report. The report was found not to elaborate on many of the articles. It failed to report sufficiently on several essential articles of the Convention, such as articles 1, 2 and 3. That was serious because article 2 was considered the heart of the Convention.

234. The Committee expected that serious omission to be rectified in the next report, even although, during the dialogue with the representative, an attempt was made to report on article 2.

235. Education and training were considered the springboard to development. In giving females education and training, care must be taken not to concentrate on traditional female occupations to avoid stereotyping and also to give them the opportunity of having better-paid occupations.

236. As a matter of priority, obstacles to female employment needed to be identified and addressed by the Government. That would help change the false conception of women's capabilities and their role in the field of employment.

Suggestions and recommendations

237. To allow the Committee to have a clear picture of the status of women in Madagascar, it was important that subsequent reports include gender-segregated statistics.

238. Since the report did not comment on article 2, and information was given elsewhere on legal systems aimed at equality between men and women, the next report should give clear information on that, and on the de facto situation of women.

239. Generally not much had been done to enhance the status of women. Traditional sex roles were deeply embedded in the culture and were generally to the disadvantage of women. The workload on rural women was very heavy. The Government should use article 4 of the Convention to accelerate the advancement of women in Madagascar.

240. The two unequal laws on adultery should be abolished. Those laws were very discriminatory. The law on inheritance also needed urgent review to ensure that a woman's right to inherit was equal to that of a man.

241. The widespread practice of customary marriage might put women and children into a vulnerable situation and the next report should indicate how legal provisions were applied in situations to safeguard the rights of the wife and children.

242. The Government of Madagascar needed to improve the health services in general and particularly for women because improved health status of women invariably improved the overall development of any country.

243. The next report should indicate what effective measures were being taken by the Government to counter the alarming situation in women's health. It should also provide more information on violence against women, especially on women engaged in prostitution, and their health status.

244. The health situation in Madagascar was deteriorating despite the fact that free health services were available to all. A rising child and maternal mortality rate and declining life expectancy was totally unacceptable if any meaningful benefit was to be derived from the ratification of the Convention. A very high death rate of women due to abortion was also a matter of great concern.

## Netherlands

245. The Committee considered the initial report of the Netherlands (CEDAW/C/NET/1 and Add.1-3) at its 234th and 239th meetings, on 17 and 20 January (see CEDAW/C/SR.234 and 239).

246. In introducing the report of the Netherlands, which consisted of three parts, one concerning the European territory and two others concerning the autonomous islands of the Netherlands Antilles and Aruba, the representative of the Government stressed that the Convention was considered to be an integral part of the internationally recognized human rights instruments that formed part of the Netherlands legal and political order. The Convention was valued not only as the international legal basis for the national programme of legal reforms, but also as a source of reference for the development of policies and programmes for women's equality. She outlined important revisions of and additions to existing legislation as a result of the ratification of the Convention.

247. In referring to the country's emancipation policy, she said that the coordination and integration of the policy in all ministries and departments was hampered by the fragmented structure of administrative and political decision-making, which constituted an obstacle to the effectiveness of the national machinery. Efforts to redress that problem included the use of the Department for the Coordination of Emancipation Policy as a centre of expertise on policy-making in matters of equality. She said that part of the emancipation-support policy was the provision of financial support to non-governmental organizations for their activities in this field.

248. She stated further that under the law of the Netherlands a Convention to which the country had become a State party automatically became part of the Netherlands legal order, and that national laws and regulations which were contrary to the Convention's provisions lost their validity. In the course of her explanation of the ratification process, she mentioned the adoption, in the very near future, of a general equal treatment act. The Government was instructed to report to Parliament on the implementation of the Convention four years after its entry into force and every subsequent four years. She cited, as an example of the functioning of the Government's emancipation support policy, the preparation for the Committee of a "shadow report" by non-governmental organizations, which counterbalanced the official report because it accurately reflected the relationship between the Government and private voluntary organizations, and an additional advisory report by the external advisory body belonging to the national machinery.

249. The representative of the Netherlands Antilles said that the Convention not only contributed to identifying some existing deficiencies in the infrastructure with regard to the implementation of some of its provisions, but it also showed constraints in the field of reporting in general, for instance with regard to the collection of statistical information. She emphasized the relationship between economic activities and their effect on the status of women and confirmed her Government's intention never to let the economic status of the country justify non-compliance with the provisions of the Convention. She said that the pace of the Convention's implementation could be affected by different factors in the community.

250. She reported on a decrease in the unemployment rate among women in recent years and a recent decision to apply the principle of equal pay for equal work to all civil servants. Consciousness-raising programmes on gender issues had

been carried out. She also highlighted the role of the Bureau for Women's Affairs as the coordinating body of the national machinery in the field of women and development and said that one of the priority areas of its agenda was violence against women.

251. The representative of Aruba pointed out that the entry into force of the Convention had given a new impetus to the rights of the female population. The rapid economic development in the last five years had caused a sharp increase in the participation of women in the local labour force. While the proportion of women in the labour market increased to over 50 per cent in 1993, the corresponding changes in labour conditions and in the social field, which were necessary to facilitate the combination of professional work and family tasks, were still lagging behind. The Government of Aruba was, therefore, studying the possibility of part-time work and an increase in the number of day-care facilities.

252. The representative said that the predominant influence of economic factors on important areas of the society explained why it was that women were not particularly active in women's rights movements. However, they were pioneers in providing information about HIV/AIDS and were very active in providing information on, and preventing, child abuse. The Aruban Human Rights Committee, which was formally installed in 1993, dealt with reporting obligations and was authorized to advise the Government on human rights issues and to raise consciousness among the population about the existence of human rights in a society where there was no network of non-governmental organizations. The Committee had also introduced human rights education in the general school curricula. The Convention had been translated into Papiamento and presented in a simplified version to the public.

General observations

253. Members of the Committee commended the extensive, very detailed report, which adhered to the general guidelines and also contained ample statistics and graphs, and its presentation to the Committee. They welcomed the fact that the Convention had led to revisions of and additions to existing legislation and that it had been ratified without reservations. They noted that human rights education was included in school curricula and that the Convention had been translated into the native language of Aruba. Members were favourably impressed by the fact that, one year before presenting each subsequent report to the Committee, the Government would have to report to Parliament, and they commended the concern that was shown about the issue of sexual preference. Members noted that the Government gave support to women's groups. In reaction to the members' concern as to why non-governmental organizations had not been consulted in the course of the report's preparation, the representative explained that much value was attached to the distribution of power and the spread of responsibilities in the country. Since non-governmental organizations were independent, they were responsible only towards their respective constituencies; they could criticize, question or judge governmental policies, but were never responsible for them. The critical input of non-governmental organizations was sometimes a challenge to government policy, but was never an integral part of it; in that way those organizations did not lose their independence.

254. Members made specific reference to the "shadow report" prepared by non-governmental organizations and were interested in the Government's reaction to some of the issues addressed in it. The representative said that it was not necessary to discuss all the issues raised in the shadow report, since many of

the same issues would be addressed under the different articles of the Convention.

255. In reaction to the observation that the report should have been more result-oriented and should have given a more in-depth analysis of both the status of women and the policy approach taken by the Government, the representative explained that that was partly the result of the fact that contributions to the report came from different parts of the Administration and that it proved difficult to follow the Committee's guidelines without losing sight of the country's policy priorities. Committee members felt that the many efforts undertaken were not matched by an equal number of positive results.

256. Whereas some members commented on the fragmented nature of the national machinery, others said that its structure highlighted the political will of the Government to introduce the policy of women's rights into the mainstream. The representative replied that, in her country, national machinery meant a complex of various institutions responsible for dealing with different aspects of the advancement of women. The main political responsibility for the emancipation policy rested with the State Secretary for Social Affairs and Employment and, at the administrative level, its core was the Department for the Coordination of Emancipation Policy. The Emancipation Council and the Equal Opportunities Commission also belonged to the broad national machinery. In addition, the role played by other ministries and departments, local and regional authorities, trade unions and non-governmental organizations was also highlighted. In follow-up remarks, members asked whether the transfer of responsibility on women's issues to the regional and municipal levels posed a danger, and requested information on this in subsequent reports.

257. When members stated that women's issues should also be included in the mainstream of the activities of all of the government departments in the Netherlands Antilles, the representative said that the national machinery had started to function in 1989 and had been restructured under the competence of the Minister for General Affairs, who was currently the Prime Minister. In 1992, the Government had organized a workshop on human rights and the reporting procedures for participants from different social strata, during which the Convention was also dealt with. It was important for the national machinery to receive information on gender bias from all interested parties in order to tackle the areas of concern in a structural way. Data were currently gathered in an insufficiently uniform way and the conduct of research in the five islands that comprised the Netherlands Antilles faced practical difficulties, related to the decentralization in several policy fields and the specific needs and characteristics of the different islands. Recognizing the need for population studies, the Bureau for Women's Affairs was working on an integral draft policy plan for women and development.

258. The representative of Aruba reported that in 1986 the Government had appointed a "focal point" for women's affairs at the Directorate of Social Affairs. Despite numerous efforts, that had not yet led to the development of an integral and interdepartmental emancipation policy.

259. Members expressed their hope that the island countries would be kept informed about the presentation of their reports to the Committee and about the Committee's reactions.

## Questions related to specific articles

### Article 2

260. In reply to questions about what was meant in the report by "the working of the Constitution on equal treatment in horizontal relationships", the representative of the European territory said that "horizontal relationships" referred to relationships between citizens, as opposed to the "vertical relationship" between citizens and the State. One of the main aims of the anti-discrimination legislation was to determine in which cases citizens were obliged to respect the fundamental rights of their fellow citizens and in which they might follow their own convictions.

261. Commending the measures taken to combat the problem of violence against women, members asked which measures had proved to be the most successful and requested information on the amount of money spent on those measures. The representative explained that the various instruments that had been used in that respect were changes in legislation, research and care and assistance to victims. The prevention of sexual violence was a policy priority. In 1993, approximately $40 million was spent on various policy measures, such as shelters, information and innovative projects and the supporting structure. The responsibility in all such matters lay with various ministries.

262. Replying to the question how many women had made use of the possibility of filing recourse action in cases of discrimination, the representative said that, since its revision in 1989, the Equal Opportunities Act had been used in some 40 to 50 court cases and over 500 cases had been dealt with by the Equal Opportunities Commission. Referring to the new guidelines for public prosecution concerning cases of discrimination, of September 1993, the representative stated that they would be reviewed after the entry into force of the General Equal Opportunities Act.

263. More information was requested on the follow-up policy document on sexual violence against women and girls. The members of the Committee made positive comments on the Government's interpretation of equal access of women to jobs in the military.

### Article 3

264. In reply to the members' requests for copies of the social atlas on the situation of women, the representative said that it was available only in Dutch.

265. When asked who was responsible for financing support centres at the national, regional and provincial levels and whether a coordinating body for the various levels would be set up, as well as whether the Government intended to institutionalize the funding for women's centres, the representative explained that each case was different. Some ministries subsidized certain projects on a permanent basis, whereas other organizations and national support centres were funded for limited periods. Often after the initial period an evaluation was conducted and it was decided on a case-by-case basis whether the subsidy should be prolonged and which party should take the responsibility. The overall responsibility for the emancipation support policy resided with the State Secretary for Emancipation Policy.

266. Regarding the summary of the position of women based on most recent statistics, referred to in paragraph 323 of the report, the representative said

that it was unfortunately not available in time for the session and would be sent to the members of the Committee immediately after publication.

267. Reacting to the disappointment expressed by members at the abolition of the Cabinet Committee for Emancipation Policy in 1991, the representative explained that that was the result of a process of political and administrative reform.

268. Members asked how it was possible that the Queen could be President of the Council of State, which was the highest advisory body in the country, serving her in fact with advice.

Article 4

269. Regarding a request for further information on the targets set and the timetables provided for temporary special measures, the representative stated that the goal of government policy was to impose positive action or preferential treatment by law only as a measure of last resort. Although the Government had set targets to increase the number of women in almost every sphere of the civil service, no sanctions were applied if targets were not met.

Article 5

270. Members welcomed the reports from non-governmental organizations on article 5 and requested clarification of the policy for equal rights of lesbian women. The representative postponed presenting an overview of related government policies and programmes to the second periodic report.

Article 6

271. It was asked whether, within the Bureau for Women's Affairs, there were special departments to deal with the abuse of women and children. The representative of Aruba stated that the issue remained a sensitive area of concern. According to data obtained from the Police Department, offences related to the sexual abuse of women and children constituted a considerable part of their workload and the figures were increasing. A private organization had been set up to help children who were victimized by such crimes and adults could seek legal redress or obtain help at the Bureau of Family Difficulties.

272. Doubts were expressed as to whether voluntary prostitution could be considered an entirely personal matter and a profession. Confronted with the issue of the forced prostitution of immigrant women, the representative of the European territory of the Netherlands replied that traffic in women was considered a problem of forced prostitution and that persons who were illegally in the Netherlands and had been forced into prostitution would be granted a residence permit for the period of time covering any investigation into their situation and the court session.

273. Regarding the HIV/AIDS situation in the Netherlands, it was reported that the Government had been formulating a policy on HIV/AIDS since the beginning of the epidemic, a policy which was being implemented at national, regional and municipal levels, in close cooperation between the competent health ministry and interested groups. Its key aims were prevention of the further spread of HIV, care, research and prevention of discrimination against infected persons, including AIDS-information campaigns for prostitutes.

274. Regarding a question about the reasons for the increase in sexual violence, the representative said its increase was not influenced by the fact that

pornography was not prohibited. It was even possible that the availability of pornography for adults had had a restraining influence on the incidence of violence against women.

Article 7

275. The Committee commended the way in which the report of the Netherlands mentioned the dates of introduction of male suffrage and universal suffrage, when the vote was conceded to women. They expressed surprise at the scarce references in the report to policies of the European Union that promoted equality of opportunities between women and men. Members asked what the reactions of the Government and non-governmental organizations were to positive measures, including legislation to include a larger number of women in electoral lists, and they requested furtner clarification on the electoral system and on the possibility of modifying lists of candidates in order to introduce more women. The representative explained that one of the main aims of the emancipation policy was to try to increase the number of women in politics and public administration. As the candidates were put forward by the autonomous political parties, and the Government had no influence in that sphere, it could only exercise indirect influence through measures such as the provision of grants to political parties for activities aimed at increasing the number of women in politics or the setting-up of special working groups dealing with the issue. The political parties themselves decided on the names and the order of candidates on the list and it depended on the importance given by the individual parties to women in politics as to whether women were elected.

276. Regarding the size of grants given to political parties, the representative said that an amount of about $2.7 million per year was given by the Government to political parties for training, education and related activities, but only if the activities were related to matters of importance to the functioning of the democracy, and only if a party was in financial difficulty.

277. In response to the request for an analysis of the progress made and the obstacles encountered in securing parity democracy, the representative explained that, regarding the composition of elected bodies, parity between women and men was not an objective to be achieved by the Government and that parity democracy was rejected as conflicting with the basic principles of democracy itself.

278. In answer to a question about the target figure for female Queen's Commissioners, the representative said that new Queen's Commissioners were appointed by the Cabinet, according to the relative strength of the political parties in the Second Chamber of Parliament, from among "the veterans" from the field of public administration, only a few of whom were women.

279. Regarding the number of women in administrative and political positions in provincial and municipal governments, the representative said that detailed figures would be provided to the Committee in a brochure.

280. Further questions were posed as to whether the marked decline in the membership of most political parties was the same for women and for men and whether women's membership in non-governmental organizations had increased. Considering that some parties mandated that their members belong to a particular church, it was asked whether there was a danger of religious fanaticism.

281. Regarding the number of women deputies in the Parliament of the Netherlands Antilles, their representative stated that currently 13 per cent of the members

of Parliament were women, and 30 per cent of the ministerial and junior ministerial posts were occupied by women.

Article 8

282. Asked about government policies to increase the number of women in the diplomatic service, the representative of the Netherlands explained that policy measures were geared towards the recruitment and promotion of women and that preferential treatment was applied in cases where candidates had equal qualifications. In the case of couples with both partners in the diplomatic service, a number of arrangements had proved to be satisfactory to all parties concerned.

Article 10

283. Members inquired whether programmes demonstrated that a lack of education was an obstacle to gender equality.

Article 11

284. Regarding the employment rate of women, which until recently was relatively low in the Netherlands, it was said that it could be explained by historical, economic and social development, but that thus far social scientists had not been able to give a generally accepted answer.

285. As to the question whether the increased number of women in part-time employment was a manifestation of direct or indirect discrimination against women, the representative said that that was not the case. Most women sought part-time jobs themselves in order to achieve a better balance in their lives between their various duties, and men too were looking for part-time work.

286. Regarding questions concerning the number of working hours that qualified a job as part-time and the percentage of women working in double part-time work, the representative stated that, in general, that qualification was applied to jobs with less than 38 to 40 hours per week and that no statistics were available on the number of women working in double part-time jobs.

287. Considering that women were highly concentrated in a limited number of occupations, in spite of having the same educational level as men, several measures were being taken to redress the situation, such as awareness campaigns through teaching materials and the media.

288. The representative said that the requests for more information on pay differences between women and men and pay for work of equal value would be answered and supplemented by statistics in the second periodic report. Group action was possible in cases of unequal pay, and that was one of the main reasons for having introduced group action. Data on female agricultural workers would also be supplied in the subsequent report.

289. Members inquired whether sanctions existed in the event that the public employment services did not meet the set targets. Regarding women working in the private sector, the organizations and enterprises concerned carried out affirmative action for which they could receive government grants.

290. Asked about the volume of paid work at home, the representative said that official statistics differed a great deal from one set of statistics to another

and that legislation to improve the situation of those doing paid work at home was in preparation.

291. Regarding questions about the position of women enrolled in private social insurance schemes, the representative said that any related problems should soon disappear in view of the forthcoming implementation of relevant legislation.

292. In response to questions about the former and the current taxation situation for women, and concern expressed by members about the negative effect of the so-called breadwinner's benefit in the system of personal income tax on women's participation in the labour market, the representative stated that the major tax reform in the 1980s removed de jure differential treatment of women and men. A person's decision to enter the labour market was influenced by various considerations. It was, therefore, not certain whether the system really functioned as a disincentive for all women to enter the labour market.

293. Members asked whether the Government provided child-care facilities to single and unmarried mothers, whether affirmative action was undertaken aimed at employing more women in managerial positions and what the social security situation and unemployment benefits of women as compared with men were. Members commented that the labour market schemes and targets for unemployed women were not obligatory enough for officials.

294. Regarding the question whether women who suffered discrimination at work could refer in court to article 11 of the Convention, the representative replied that it was possible only in litigation against the State, but not against a private employer or another citizen.

295. When asked whether the Government of Aruba was planning to eliminate the provision according to which dismissal on the grounds of pregnancy was legal, the representative of Aruba stated that in the instance of female government employees no cases of dismissal on the grounds of pregnancy had ever been presented. In the private sector, dismissal required special previous approval and pregnancy was not considered to be sufficient reason to grant such permission. As the Civil Code prohibited dismissal in cases of sickness, pregnancy was considered to be included under "sickness".

Article 12

296. In reaction to the comment by members that the report was not detailed enough on the question of health, the representative of the Netherlands said that in 1994 a study would be conducted on the access of women to health services.

297. Replying to a question about the availability of special programmes for women who were already infected with HIV/AIDS, the representative said that while all government programmes were accessible to both women and men, the Government subsidized a "Women and AIDS" office and self-help groups were trying to get women out of their isolation. Although tourism was one of the main industries in Aruba, the prevalence of AIDS infection was relatively low. The National AIDS Commission offered care and counselling, as well as control measures, including health education. Specific information and guidance was also provided to prostitutes.

298. Following a request for further information on drug addiction among women and related programmes, the representative of the Netherlands explained that the central objective of the drug policy was to reduce, as much as possible, the

risks that drug abuse presented to the users, their environment and society. A pragmatic approach to the problem proved to be more effective and statistics showed that generally one woman was addicted for every three men.

299. Asked about the Government's position on euthanasia, the representative stated that she did not think it proper to link euthanasia with women's issues.

300. Referring to the question whether there was legislation regarding artificial insemination and whether it was based on ethical or on scientific principles, the representative replied that artificial insemination was not regulated by law. However, hospitals had their codes of conduct and an individual physician with a different view on the matter could refer a woman to a colleague to undertake the procedure. It was important that women applying for that procedure not be refused on the basis of their marital status, sexual preference or lifestyle. Pregnancy at an advanced age was currently not covered by law.

301. Members of the Committee requested clarification about the abortion policy in the country. It was explained that the reason for the five-day waiting period was to safeguard responsible decision-making and to give the women the chance of reconsidering if they wished to. Abortion could be carried out only by a physician in a hospital or clinic with a permit and was allowed only in a medically or socially untenable situation in which it was deemed necessary.

Article 16

302. Turning to the question whether any reform was under way regarding the order of names of married couples, the representative reported on a bill on equality between men and women in choosing family names that was currently being considered by Parliament.

303. Regarding the question whether cases of rape within marriage had been dealt with in court since the entry into force of the new legislation in 1991, the representative replied that there had been some cases, most of them situations in which the spouses were divorced de facto, but not de jure. Replying to a related question, she said that, before that law was adopted, a replacement of the words "through force" by "against the will" had not been considered, since it would have given a chance to question the victim about her attitudes.

304. Regarding the high number of divorces in the Netherlands Antilles, the social, cultural, economic and political reasons for that phenomenon and the question whether it was not also influenced by the low minimum age of marriage for women, the representative replied that currently the Civil Code was undergoing an integral revision. In spite of the low minimum age of marriage, women generally entered into marriage at the age of 18 or above. Experience showed that reasons for divorce were short periods of marriage, especially if the wife was self-supporting, domestic violence against women, unfaithfulness of the husband and the general empowerment of women.

305. Responding to an additional question relating to international technical cooperation, the representative stated that development cooperation relating to the women in development policy had to operate within the overall development policy, which might force the Government to take a more selective approach.

## Concluding comments of the Committee

### Introduction

306. The Committee commended the State party for not entering any reservations and for undertaking such conscientious efforts in legislation as well as other measures, first before ratifying the Convention, and secondly for its implementation.

307. It also applauded the State party for presenting such an extensive report, including a general description of the country and statistics on the situation of women. It wished, however, for a more in-depth analysis and a more result-oriented description of legal and other policy measures in subsequent reports, including more comparative data, as well as information on the financial cost of the projects described.

308. It noted with satisfaction that the answers given by the State party to the questions posed by the Committee filled many of the lacunae and even further improved an already excellent presentation.

### Positive aspects

309. The Committee commended the State party's efforts to establish a comprehensive national machinery as well as the requirement for each future report on the Convention to be submitted to Parliament before being presented to the Committee.

310. It noted with appreciation the extensive research, policy and support measures taken by the State party that explored the causes of and combated the various forms of violence against women.

311. It also commended the financial support given to women's initiatives and women's organizations by the Government as well as its willingness to listen to their concerns and demands. The Committee also applauded the fact that the State party implemented the Convention by developing policies and other measures to eliminate discrimination based on sexual preference.

312. It noted with satisfaction that the Netherlands Antilles and Aruba actively implemented the Convention despite economic difficulties, including publicizing its content in general and in the schools.

### Principal subjects of concern

313. The Committee voiced concern whether the mainstreaming of the State party's national machinery impacted on its effectiveness. In this respect it also noted with concern that the transfer of equality policies and measures from the central to the provincial and municipal levels might result in a loss of political will and financial support.

314. Another concern was raised by the character of an emancipation policy that gave only limited financial support to women's projects rather than institutionalized support.

315. The Committee also expressed concern on the thinness of the State party's reporting on article 11 compared to the reporting on other articles and wondered whether this reflected insufficient attention by the Government to women's employment issues.

Suggestions and recommendations

316. The Committee suggested that in the second report more information should be given on the national machinery of the Netherlands Antilles and the Netherlands Aruba. It recommended the inclusion of more information on the legal and other policy measures to eliminate discrimination on the grounds of women's sexual preference as well as on the results, including data, of the efforts of provincial and municipal governments regarding policies and other measures for women.

317. It suggested that more result-oriented policies regarding women's employment, including affirmative action, pay issues and child care, were to be pursued and to be reported upon.

## Zambia

318. The Committee considered the combined initial and second periodic reports of Zambia (CEDAW/C/ZAM/1-2) at its 241st and 246th meetings, on 24 and 26 January (see CEDAW/C/SR.241 and 246).

319. In introducing the report, the representative of Zambia emphasized that her country was undergoing serious and far-reaching changes in the political and economic fields. After 18 years of one-party participatory democracy, Zambia had reverted back to the multiparty system in 1991. While the women's league of the ruling party had been the sole custodian of women's interests before, each party had now a women's programme. The Government had assumed responsibility for the advancement of women by establishing a women's affairs desk in all government ministries and a Women-in-Development Unit in the Department of Planning and Development Cooperation.

320. Zambia had changed from socialist central planning to a free-market economy. Vigorous efforts had been made in the past two years to transform the country's economy. Structural adjustment programmes, first introduced in 1987 and reinvigorated in 1991, had had far-reaching consequences. The reports reflected the impact of those measures on women and programmes related to women in development. Structural adjustment programmes had led to the neglect of social development and brought with them diminishing opportunities for women. Suggested cutbacks in the civil service, the greatest employer of women, would affect women and reduce their already limited job opportunities. Infant mortality and malnutrition was increasing because mothers could not provide the needed maize, the basic commodity, after subsidies had been cut and prices increased.

321. The representative explained how historical and cultural factors had impeded the advancement of women. Zambia was male-dominated in all walks of society, from the formal employment sector to the basic family unit. Stereotyped education and lack of investment in girls' education was one of the main reasons for the continuing male dominance. In 1994, families were still not prepared to invest in the education of their daughters as they would for a son. In the early days of colonialism, preference had been given to male education whereas girls' education was stopped at junior standard secondary school. That situation was changing only at a very slow pace.

322. Zambia had subscribed to the goals of equality, development and peace set for the United Nations Decade for Women and built up activities to change grass-root realities. The Convention had been ratified in February 1985 without

reservations. Non-governmental organizations had become involved and manifested themselves in different lobby groups, for example, among professional women and in the Christian community, where they were caring for disadvantaged women.

323. The Government had made a series of constitutional and legal amendments since 1991. Article 23 of the new Constitution redefined discrimination as widely as possible and included for the first time discrimination on grounds of sex. The previous Constitution, of 1964, did not prohibit that kind of discrimination and had been broadly accepted since it was a general view that women needed protection.

324. Regarding temporary special measures as contained in article 4 of the Convention, she reported on action taken by the Government to accelerate equality of men and women. Girls were encouraged to take up technical subjects such as science and mathematics. To increase the level of girls' education, the cut-off points for girls to qualify for secondary education had been lowered and a quota of 20 per cent for girls had been introduced in science colleges. Working women's access to loans had been facilitated, since the consent of the husband was no longer required.

325. The new Government was moving towards uniting customary and statutory law, which would positively affect the status of women. So far customary law had a large bearing on the determination of the issues of marriage and inheritance.

326. Referring to article 7 of the Convention, she confirmed that women in her country had always played an active role in politics. They were the majority of voters, but their representation in Government was low. Only nine of the 160 members of parliament were women, the Cabinet had only two women and there were few women ambassadors. Since the educational system had been discriminatory against women, women could not fill that gap through political involvement only. The present re-examination of the educational system would have a tremendous impact on women.

327. Women's issues could not be the centre of attention at a time when the survival of the country as a whole was at stake. The Government had made an effort to consider the situation of women by institutionalizing the offices for the advancement of women, but for the next five years that topic would not come to the centre of the stage, owing in large part to the reconstruction of the economy.

General observations

328. Members of the Committee thanked the representative of Zambia for her clear and frank introduction to the report and the efforts deployed in the preparation of the report, in particular the addendum, which had been compiled in accordance with suggested reporting procedure and guidelines. Members recalled that they had appealed at previous sessions to States parties to send representatives involved in the preparation of the report to present it to the Committee. Members regretted that the presentation of the report had had to be delayed because the distinguished representative of Zambia had not actually had the opportunity of even reading through the report. They found that state of affairs rather unfortunate. It was important that States parties paid great attention to the reporting and presentation requirements of the Convention. They felt that the representative of a State party delegated to present a report must be conversant with its contents. Members commended the Government of Zambia for its commitment to the advancement of women and its ratification of the Convention as early as 1985 without reservations. They took note of the

difficulties the Government had experienced while trying to translate that commitment into practical steps.

329. Members expressed their concern about the devastating effects of structural adjustment programmes on women and the relegation of women's issues to the backstage as experienced in Zambia. That was a worldwide phenomenon, and it was recommended that the Committee draw the attention of the international community to the issue. The contradiction that existed between article 13 of the Convention, dealing with the elimination of discrimination against women in areas of economic and social life, and the negative impact of structural adjustment programmes on women needed to be highlighted by the Committee. Zambia was forced to breach article 13 and to a lesser extent article 11 of the Convention because of the economic measures imposed. However, the development of a country depended on the integration of women in development since women accounted for half of the population. Cutting back on women's programmes in times of crisis sounded like an easy excuse from a patriarchal system. In periods of radical reform, it was essential that women be involved in public life and decision-making on important matters such as finances and economic measures.

330. Members requested further information on Committee recommendations 14 and 19. The representative replied that there was no tradition of female circumcision in any part of the country. There were only customs related to the personal hygiene of girls when they reached puberty. Violence against women was widespread and even traditionally accepted as a way of disciplining a wife. Under the Zambian Penal Code, violence against women was a crime and treated as an assault. The Government had been encouraging prosecutions of offenders. Since most women were economically dependent on their husbands and afraid to lose their matrimonial home, they were very reluctant to prosecute their aggressors. Some women did not admit that they had been abused and considered battering as a sign of man's affection.

331. More information was sought on the fact that Zambian law recognized equality between men and women with regard to legal capacity. The representative stated that men and women had the same legal status as persons under the law. The only outstanding legislation that was discriminatory concerned citizenship for the foreign spouse of a Zambian woman. That provision of the law was meant to prevent "marriages of convenience" but was being reconsidered.

332. Members commended the establishment of women's affairs desks in all government ministries as a good example of mainstreaming women's issues and asked whether the Women-in-Development Unit had really fulfilled its objective. The representative replied that the Unit in the Department of Planning and Development Cooperation, formerly the National Commission for Development Planning, was coordinating women's development and women's rights issues. It gathered information and material and made input into development plans and budgetary provisions.

333. Members acknowledged the work accomplished by the Women's League, which had been linked to the previous ruling power. Referring to the establishment of new non-governmental organizations and their important role in society, they wanted to know what impact those organizations had on the Women's League and the Women-in-Development Unit. The representative stated that, during the one-party participatory democracy, non-governmental organizations operated parallel to the Women's League, which was the political wing of the then ruling party. Women's issues were treated differently by the non-governmental organizations, which

played a supplementary role vis-à-vis the Women-in-Development Unit since they had a wider sphere of influence.

334. Questioned about the role of non-governmental organizations in changing stereotypes in education and communication, the representative replied that their educational and political activities, both on television and on radio, were very important. They also worked with the National Curriculum Development Department of the Ministry of Education on the revision of the curriculum and educational material.

335. Recalling the considerable time that had passed since Zambia's independence and its ratification of the Convention, members expressed concern about the slow pace in promoting the status of women. They asked whether the measures taken in education and legal reform were not adequate or if the force of customs and the impact of economic reforms prevented progress. The representative considered a combination of different factors as being the main reason. Although some customary beliefs and practices prevented the advancement of women, education had a positive impact on women's self-confidence and on their families, who acknowledged the benefits of girls' education. With the advent of structural adjustment programmes the pace was slowing down temporally, but the legal ground for equality had been prepared.

336. Members wanted to know if there were inherent traditional social factors that prevented women from enjoying their rights fully, in particular the right to employment. The representative explained that basic education and some basic trade skills were the first condition for finding gainful employment in Zambia. Most women in Zambia would be in employment before their marriage, but suspended their professional life once they had to take care of children and a household of their own. Support systems for care did not exist, nor did a concept of sharing household chores. Day-care centres were a new and expensive phenomenon in the urban areas. Women therefore had no other possibility than to sacrifice their career progression for caring responsibilities.

337. Members regretted the lack of statistical data, which should be given more space in subsequent reports. The representative said that an effort would be made to provide more data and detailed information on women's living conditions in Zambia in the third periodic report.

Questions related to specific articles

Article 2

338. Members asked for further information on the reform of the Constitution of 1991 and whether it still contained provisions that allowed discrimination against women. They wanted to receive information on a constitutional committee set up by the President to undertake a harmonization of the Constitution. The representative stated that, in the Constitution of Zambia Act, 1991, the only outstanding issue regarding discrimination was the provision relating to citizenship of foreign men married to Zambian women, which was currently under revision. The Act addressed the issues of discrimination against women since an offending article 23 of the previous Constitution had been amended and given wider definition. The Constitutional Committee was reviewing the Constitution with a view to securing final approval for the amended Constitution. Asked about measures taken to remove all customary laws, the representative stated that the Constitution prohibited the practice and enforcement of customary laws that were repugnant to natural justice. However, customary law was part of the way of life in Zambia and not codified. There was no ground for removing

customary law that was tradition and did no harm. Asked about the situation of widows and their children, the representative said that the question of custody was not an issue in her country since it was generally the widow who took care of her children. Only if she was not able to do so owing to illness or economic hardship would the extended family take charge. If a women lost custody of her children, she could make a petition to the high court. Traditionally, widows had always been well protected, but there had been an upsurge of ill-treatment of widows, especially in the urban areas, linked to the advent of the money economy and new-found materialism.

Article 3

339. Members stated that the report did not deal with all appropriate measures taken to ensure the full development and advancement of women as required under the article. Hope was expressed that the subsequent report would cover those questions accordingly. More details were required on the budget of the national machinery and its structure. Members asked for a description of the objective situation of women, in particular persisting traditional customs that affected women negatively. The representative said that those questions would be appropriately addressed in the subsequent report.

Article 4

340. Members welcomed the inclusion of a chapter on women in development in the fourth national development plan (1989-1993) and asked for the results achieved as well as information on the coordination of women's activities in the different areas.

341. They wanted more information on temporary special measures, including the lowering of cut-off points for girls to qualify for secondary education and the introduction of a quota system for girls in science colleges. They wanted to hear about the reasons for lowering grading and if the society accepted that measure. The representative informed the Committee that girls and boys had the same curricula, the same examinations and the same teachers. Ninety per cent of the schools were coeducational. Affirmative action was a means to enable more girls to have access to higher education, since girls were a minority from the first day in school and even more so at the end of the seven-year primary education cycle, when more girls had dropped out. That did not imply that girl's educational achievements were bad. The measure had been generally well accepted, although some felt that women should compete on an equal footing with men.

Article 5

342. Members wanted to know which measures had been taken to change the practice of dowry and bride price and whether progress was achieved in the rural areas. The representative stated that the payment of a bride price, which had always been a token, was widespread practice and very well accepted. No substantial change in the practice was reported from the rural areas.

343. Asked whether women could obtain divorce, the representative replied that divorce procedures were different for marriages contracted under the Marriage Act, which had to be dissolved in the High Court of Zambia, and customary marriages, which could be dissolved in local courts. Regarding a question on the activities of the Women-in-Development Unit and non-governmental organizations to combat violence against women, the representative stated that

violence against women was a high-profile topic dealt with in seminars, television and radio interviews and theatrical performances.

Article 6

344. Members found it discriminatory that in the case of prostitution, which was an illegal activity, only women were taken to police stations and not their male customers. They expressed the view that considering prostitution illegal and arresting prostitutes did not resolve the problem, but rather exacerbated it. They referred to the pick-up of prostitutes in streets and asked whether women had the opportunity to prove their innocence after being arrested. The representative noted that trafficking in women was not a problem in Zambia, but that prostitution existed. A woman arrested for prostitution must be charged and prosecuted in a court of law, where she had an opportunity to prove her innocence or to sign the admission-of-guilt form.

Article 10

345. Members expressed their concern about the high illiteracy rate among women. The representative replied that Zambia had one of the best functional literacy programmes, which were community-based in the rural and the urban areas. Various women's activities were used for those programmes, which taught women how to unite. Questioned about the main reasons for the high drop-out rates of girls from school after the first level, the reply was that large family sizes made it economically difficult for parents to send all their children to school. Preference was given to the education of sons, who were expected to become the breadwinners of the extended family. Little value was attached to the education of girls, who were traditionally prepared for their future role as good wife and good mother.

Article 11

346. Members observed that the heavy involvement of women in the informal sector was a predominant feature in developing countries. Those women were often harassed by police and law enforcement for their activities. The informal sector had an illegal connotation, although women in the informal sector contributed to the economy and paid taxes. Women in the informal sector should start to organize and negotiate with the Ministry of Labour. The international community should look at women's activities in the informal sector. Stating that employment and the economic sector were most important for the status of women, members asked if the Government was taking measures to provide jobs for women. In her reply, the representative referred to the Constitution of Zambia, which recognized the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. The Government was committed to providing jobs for women, but the structural adjustment programmes had brought with it a contraction of the labour market, which should be only temporary. Asked if there was a professional orientation for the jobs that were available for women on the job market, she said that women were not oriented towards certain professions or fields, but free to pursue a career of their choice depending on their qualifications.

Article 12

347. Members asked for more information on women's reproductive rights and the use of contraception. The representative replied that women traditionally had no control over their reproductive rights and could not refuse to have children. The basis of a marriage in a traditional setting was to have children. The use

of contraceptives was widespread. In reply to the question whether abortion was allowed, she said that, under the Termination of a Pregnancy Act, an abortion could be performed on medical grounds only, if there was a threat to the life of the mother or the foetus and on recommendation of three medical practitioners. Members also wanted to know if there was a population policy to lower the birth rate. The representative said that the Government was intervening to lower the birth rate through the provision of family planning services and free contraceptives. Population trends indicated that Zambia's population could double in the next 20 years if the growth rate of 3.2 per cent per annum was maintained. Members sought an explanation for the demographic imbalance in the population, with 60 per cent of the population being female. The representative said that it could not really be explained, but was due to the high female birth rate and high male death rate. Life expectancy for females was 55 years while it was 53 years for men. There was no out-migration of men that left women on their own. Internal migration from rural to urban areas had involved the most productive groups, mainly the young, better educated and enterprising elements, and had had negative effects on both the rural and the urban areas.

348. The mortal diseases affecting women were malaria, disorders of pregnancy, delivery complications, disease of the genitro-urinary system, accidents and injuries, respiratory diseases and AIDS-related complications.

349. Concerning maternity leave for employed women and family benefits for women, the representative stated that women were entitled to three months of paid maternity leave after two years of service and at intervals of two years according to the Employment Act. That was considered a good family planning policy since it allowed for spacing of children.

Article 14

350. Members stated that the situation of rural women was very critical and required information on the hardship of rural women, the constraints on their time and the success and failure of development programmes.

Article 15

351. The Committee asked for more information on the financing, staffing and functions of the women's affairs subcommittee.

Article 16

352. Members sought more information on the number of female-headed households, their economic situation, their concentration in rural and/or urban areas and their strategies for survival. The representative said that she was unable to provide replies to the questions under articles 14, 15 and 16. Responses would be incorporated in the third periodic report.

Concluding observation

353. In her concluding remarks, the representative stressed that women in Zambia had not benefited as much as men from the services and opportunities of the country although the constitutional statutes did not discriminate against women. Equal opportunities meant also equal sharing of responsibilities between women and men, both inside and outside their homes, but women's workload in the household was disproportionately larger. She stated that structural adjustment programmes had fallen heavily on women. However in the restructuring process

and the new liberal environment, measures were being taken that would enable women to attain a quality of life that would be equal to that of men.

354. Members commended the Government of Zambia for its effort to eliminate de jure discrimination while harmonizing the Constitution and to institutionalize the national machinery for the advancement of women. The Committee thanked the representative of Zambia for her knowledgeable presentation and the competent way in which she had replied to the questions. Members looked forward to receiving the outstanding information in the third periodic report. The Committee also encouraged the representative to comply with the guidelines for the establishment of reports in the preparation of the next report.

355. With regard to customary law, the Committee stated that customary practice and customary law had different meanings in the various cultures but needed to be examined as to their impact on women. If they affected the status of women negatively, as did forced marriage or circumcision, then they needed to be eliminated. There was no question of rejecting all customary practices and traditions. Countries went through a transitional period when they had to decide which practices to keep or to eliminate; it was important to have the choice. The Committee encouraged the Government to identify cultural practices that might have stemmed from pre-colonial times under each article of the Convention. That would help the country and the Committee better to understand how customary practice affected women. Members also invited the representative to consider how other countries of the region had tackled customary practice and law.

Concluding comments of the Committee

Introduction

356. The Committee noted with satisfaction that Zambia had entered no reservations. The amendment to the initial report adhered to the reporting procedures better than the initial report, even though the report did not contain separate information on articles 1 to 3 of the Convention.

357. Both documents gave clear information on laws and policy measures relating to the implementation of the Convention, though more concrete data on the actual situation of women as well as on the difficulties affecting the implementation were desired in the subsequent report.

358. The Committee noted that the Government of Zambia was currently experiencing difficulties in implementing the Convention, owing to the impact of structural adjustment programmes. The Committee noted with great concern that that adjustment negatively affected many aspects of women's lives.

Positive aspects

359. The Committee expressed its appreciation of the fact that some legal measures had been put in place to eliminate discrimination against women. It also appreciated the fact that after the enactment of the 1991 Constitution, a constitutional review committee which included women's non-governmental organizations had been put in place to further review all discriminatory laws and practices.

360. It expressed its appreciation for the establishment of women's desks in all ministries, the extensive educational efforts concerning women and the emergence of new women's organizations.

Principal subjects of concern

361. The Committee was very concerned about the persistence of traditional sex roles, which were deeply embedded in the cultural life of the Zambians and which generally seemed to impede equality. Great concern was also expressed regarding the violation of women's rights in general, particularly the rights of those women under customary marriage laws.

362. The Committee also noted with concern the lack of women's access to formal employment and the difficulties encountered by women working in the informal sector in general and from governmental officials.

363. The Committee was also concerned about acts of violence against women in their private sphere. It also noted the high fertility rate and its negative impact on the status of women in addition to the difficulty caused by the current adjustment programmes.

Suggestions and recommendations

364. The Committee suggested that the Government of Zambia study the possibility of codifying the customary laws so that those found to be in violation of the Convention could be reformed or abolished. It recommended that the customary marriage law be reformed so that customary marriages were registered, in order to give women married under that law equal rights and benefits with men.

365. The Committee also recommended that in future reports a much more detailed description be given of the customs and traditions affecting women's rights in all areas of the Convention in a positive or negative way. It suggested further review of existing legislation and expected in the subsequent report to be informed about the practical results of the constitutional review committee and their implementation.

366. It recommended that, although structural adjustment programmes posed difficulties to the State party, women's issues should remain at centre stage even in times of economic distress. The Committee therefore recommended that women have access to budgetary and policy decision-making positions to mitigate some of the negative effects of the structural adjustment on women's lives.

367. The Committee urged the State party, women's non-governmental organizations and all concerned to engage in a nationwide awareness campaign to change the attitudes of men and women in order to achieve de facto equality in all spheres of life. The Committee also wished to be informed in subsequent reports about the situation of women in female-headed households.

368. It was the wish of the Committee that Zambia's next report provide all the information with the necessary sex-segregated statistics in accordance with the articles of the Convention and in closer compliance with the guidelines for submitting reports to the Committee.

2. Second and third periodic reports

369. Following the procedure adopted by the Committee at its ninth session 7/ for the consideration of second and subsequent periodic reports, issues that should be discussed with the representatives of States parties submitting a second periodic report were identified in advance by a pre-session working group.

## Australia

370. The Committee considered the second periodic report of Australia (CEDAW/C/AUL/2) at its 251st meeting, on 31 January (see CEDAW/C/SR.251).

371. In her introductory statement, the representative of Australia recalled her Government's commitment to eliminating discrimination against women and referred to the means used to promote the status of women. Upon ratification of the Convention on the Elimination of All Forms of Discrimination against Women in 1983, the Sex Discrimination Act was passed in 1984 and the Affirmative Action (Equal Employment Opportunity for Women) Act in 1986. Several legislative amendments had been made since then, strengthening the sex discrimination and sexual harassment provisions. The representative stressed that her country's federal system of government required a cooperative approach between the Federal Government and the governments of the States and Territories to implement the Convention. The New National Agenda for Women, released in 1993 by the Federal Government, reflected many articles of the Convention and was a guideline to the year 2000.

372. The second periodic report followed the tradition of frankness about what remained to be done to implement the Convention. As part of a programme to raise awareness on equal rights, the report had been widely distributed throughout the country. Government policy advice mechanisms on the status of women had been reviewed and several new consultative mechanisms established.

373. Women's representation in public life remained one of the areas of concern, since only 14.5 per cent of the members of Australia's parliament were women. The reasons for women's absence in decision-making and strategies to influence the political agenda would be discussed in a paper on women and government in Australia and New Zealand. Women's underrepresentation in the judiciary was addressed by the Federal Attorney-General in a report on the process of judicial appointments.

374. Violence against women, as a violation of women's human rights and a form of discrimination, was another area of national concern and a policy priority for the Office of the Status of Women. The National Strategy on Violence against Women provided a framework for concerted action at all levels of government. A national education programme on violence against women had been launched recently.

375. The third area of concern was the situation of particularly disadvantaged groups, including indigenous women, migrant women, all women of non-English-speaking background and women with disabilities. Aboriginal and Torres Strait Islander women were the most disadvantaged people in Australian society, with high infant mortality rates, low life expectancy, high unemployment figures and high incidence of domestic violence and homicide. The Aboriginal and Torres Strait Islander Commission (ATSIC) had been established as the premier body responsible for Federal Government programmes. The ATSIC board members were elected by and from the Aboriginal and Torres Strait Islander people. The Office of Indigenous Women within ATSIC coordinated the Women's Initiative Programme. A national Aboriginal and Torres Strait Islander Consultative Women's Council was being considered. A comprehensive women's health policy was in preparation. The representative stated that further programmes would be developed to help Aboriginal and Torres Strait Islander peoples move out of situations of dependence. The most significant development was the introduction on 24 December 1993, of the Native Title Act, which would establish tribunal and court processes for determining claims to native title.

376. The representative stated that Australia, being a member of the Commission on the Status of Women during the period leading to the Fourth World Conference on Women, felt responsibility to participate actively in international mechanisms and to promote the equality of women, in partnership between States, as reflected also in the international development work of the country. Australia was focusing on the protection of women's rights within mainstream human rights forums to avoid marginalization of women's human rights.

General observations

377. Members of the Committee acknowledged the quality of the report, which complied with the general guidelines. A great deal of information had been made available in a self-critical manner. They thanked the representative for the extensive and very informative replies and commended the Government of Australia for the specific action taken to improve the status of women and its commitment to the implementation of the Convention. Special reference was made to the contribution of Australia to the World Conference on Human Rights and its efforts to treat the human rights of women on the same basis as all human rights.

378. Members especially welcomed the fact that women's unpaid work in the family was taken into consideration and integrated into the national accounts.

379. Members inquired about a change in government policy with regard to the reservation under article 11, paragraph 1 (c), in connection with combat duties, and paragraph 2 (b), on maternity leave. The representative replied that the ban on women serving in combat roles had been lifted, with a small number of exclusions related to violence. Women in the Australian Defence Force could now serve in the navy, army and air force. As a result of the revised employment policy, Australia would adjust its reservation to the Convention. With regard to the second reservation, maternity leave with pay was provided for all women employed by the Commonwealth Government, subject to a 12-month qualifying period, for 9 to 12 weeks depending on the State or Territory. Unpaid maternity leave had become available to Australian women employees since 1979 and had been inserted in all major Federal awards and the majority of State awards. During the International Year of the Family, paid maternity leave would become one of the major issues for public debate. The Government was now taking steps to introduce universal parental leave.

380. Following this report on gradual progress achieved, members expressed their hope that the Government would be able to report on the removal of the reservations in the next periodic report.

General questions

381. Acknowledging Australia's ambitious programmes to raise community awareness of the problem of violence against women, the question was raised whether the incidence of such violence had decreased. The representative replied that there were a number of barriers to collecting comprehensive data. Much violence against women was not reported, particularly domestic violence. However, a greater community awareness of the criminality of violence against women has brought with it an increase in reporting. The Office of the Status of Women would establish a national coordinated data collection network with standardized statistical collection methods.

382. Asked about the impact of programmes to eliminate violence in the Aboriginal community, the representative stated that a national family violence intervention programme was being implemented by ATSIC using a community development approach. A national men's conference to discuss specific issues of family violence was held in 1993.

383. Members requested information on section 37 of the Sex Discrimination Act and asked whether that legal provision was applied for acts in conflict with Australian legislation or with the provisions of the Convention. The representative replied that such acts were only exempt by force of section 37 of the Sex Discrimination Act but were not exempt from criminal sanctions under other legislation. For example, genital mutilation would be treated as a breach of State assault laws and polygamy would be illegal under the Marriage Act.

384. The Committee welcomed the positive legislative measures, strategies and programmes for providing assistance to women that made it possible to have official legal rights on an equal basis with men. Asked why the Government still had not provided constitutional guarantees for equality of the sexes which would enrich the basic law of the States, the representative replied that it would require a constitutional amendment by referendum to entrench the right of equality of the sexes in the Australian Constitution. There had been ongoing debate since 1988 on which rights and freedoms should be explicitly guaranteed in Australian law. While approaching Australia's centenary of federation in 2001, interests in constitutional change had been renewed, and a conference on the issue of women and the Constitution would be organized in 1994.

Questions related to specific articles

Articles 1, 2 and 3

385. The Committee asked for an organizational chart to better understand the relationships between the women's organizations that were noted to have the common purpose of promoting the status of women. The representative replied that a distinction needed to be drawn between Government administrative and policy bodies and advisory bodies to the Government. The Office of the Status of Women was a Division within the Federal Government's Department of the Prime Minister and Cabinet. The National Women's Consultative Council, operating with federal funds and serviced by the Office was a means of communication between the Government and the members of national women's organizations. The Australian Council of Women was an advisory body to the Government on key issues for the Fourth World Conference on Women. The Federal Government set up the Human Rights and Equal Opportunity Commission as a statutory body to administer four acts, including the Sex Discrimination Act 1984.

386. On the question whether the Minister Assisting the Prime Minister for the Status of Women was a Cabinet member, the representative replied affirmatively and said that this had been achieved in a Ministerial reshuffle in December 1993.

Article 4

387. Members requested information on a study group on Aboriginal women and its authority and resources to ensure equality for indigenous women. The representative replied that she was unable to ascertain which study group was referred to. She noted that the Office of Indigenous Women within ATSIC was the body responsible for Federal Government programmes for Aboriginal and Torres Strait Islander women. Since 1992, annual national Aboriginal and Torres Strait

Islander women's conferences had been held to enable representatives of indigenous women to identify important issues and provide advice to ATSIC.

388. Asked what her Government had done to increase the status of Aboriginal and Torres Strait Islander women and whether they would be treated on equal terms if land was returned to the indigenous population, the representative confirmed that the high court decision in Mabo and Others v. the State of Queensland was the most significant judicial act that paved the way for the Native Title Act 1993, which represented a political shift in the treatment of indigenous Australians, although its full impact could not yet be grasped fully. An Aboriginal and Torres Strait Islander Social Justice Commissioner had been appointed to monitor and assess the human rights of the Aboriginal and Torres Strait Islander peoples, in particular women. Women's equal rights should be a major concern when it came to redistribution of land. She agreed that many services provided for indigenous women in the past had failed because traditional values had not been taken into account in the design and implementation of programmes, but efforts were being made to remedy that situation, in particular in the health sector.

Article 5

389. Having been informed that maternity leave was widespread in the public sector, the Committee wanted to know what action had been taken to enable women to continue work in the private sector, where most left their jobs after giving birth. The representative made clear that the inclusion of maternity, adoption and parental leave in federal awards had been supported by the Government. Asked whether legislation relating to paternity leave was being considered, she reported that significant progress had been made on that issue, since industrial relations legislation guaranteed 12 months unpaid parental leave, which could be shared between men and women.

390. The Committee had difficulty in fully understanding the reservation on maternity leave. The representative said that there was considerable discussion going on in her country on the issue. Women's participation in wage labour had increased significantly in the last 15 years. The resistance to paid maternity leave came from many sides; there was no consensus on the issue even among women's organizations and trade unions. The universal social security system existing in the country cushioned cuts in income levels and was an incentive for part-time work. Moreover, there had been no strong pressure or demand for facilities to feed babies in the workplace.

391. Commenting on violence against women, the experts asked how many women had taken refuge in shelters. The representative said that a national census on a single night in May 1992 had found 4,700 adults and children using the Support Accommodation Assistance Program (SAAP) as a result of family violence. Eighty-five per cent of women applied for Government benefits or pensions after taking refuge. An accurate figure on women obtaining protection orders could not be given owing to a lack of consistency in data collection by the States and Territories. In 1991, there were 603 applications for Domestic Violence Orders in the Australian Capital Territory, 90 per cent made by women against men. Asked how women's organizations helped victims of rape within marriage and of domestic violence, the representative said that rape crisis centres, domestic violence crisis services and women's health centres provided information on legal, health, financial and crisis accommodation matters and referred women to appropriate services.

392. The Committee wanted to know how the Government viewed the problem of violence against women and if any attempts were being made to solve it. The representative stressed that the commitment of the Government was evidenced by its considerable support to women and children victims of violence and its efforts to change the law and behaviour of perpetrators. The New National Agenda defined strategies to eliminate violence against women which included further legislative reform. The Government provided considerable funding for various measures to eliminate violence, in particular for community education campaigns, the provision of shelter and income support to women escaping violence. An emphasis was put on the role of men in all aspects of violence and the re-education of aggressors. A clear message was being sent out that violence was not acceptable behaviour.

393. Replying to a question on the legal concept of the family in Australian society and measures taken to strengthen it, the representative first stated that the family, as an entity, had no legal status or legally enforceable rights or duties. The Family Law Act concerned itself with the rights, duties and responsibilities of the individuals who belonged to families of particular kinds. The law implicitly recognized the existence of certain kinds of family. Australia's federal system did not provide a comprehensive code for family relationships, but recognized people's responsibilities for their relationships. In order to promote greater support, harmony and quality of life for all families, the Government had introduced a package of family payments. Efforts had been made to provide quality child care.

Article 7

394. Members of the Committee expressed their regret that the report lacked an analysis of the obstacles to the achievement of equality for women in positions of political leadership, and asked for more information on the reasons for the disparity in figures between different institutions. The representative explained that women tended to be particularly underrepresented in high-level posts in science and technology owing to entrenched values regarding women's entry into non-traditional areas. Her Government targeted women in public life as one of three priorities for improving the status of women and, therefore, was committed to 50 per cent representation of women on Government boards by the year 2001. A register of women and a monitoring system had been established. Women's underrepresentation in public life resulted from entrenched social attitudes, parliamentary practices which conflicted with family responsibilities, lack of women in leadership positions and factionalism in the pre-selection processes in major political parties.

395. In reply to a question on the level of women's representation in local and national government, the representative said that there were higher levels of female participation in local governments and relatively low levels in national government. This might be due to the structure of major political parties in Australia and their dominance by men. Large distances inside the country were another obstacle to women's involvement in leading positions, since many women were not prepared to move to the Federal centre of government. She also noted that the Commonwealth State Ministers on the Status of Women were undertaking research on the issue.

Article 10

396. In reply to a question on action to raise female enrolment at the university level, the representative recalled that the number of women in higher education had grown steadily, reaching more than 50 per cent. More women than men had enrolled since 1987. However, women were still underrepresented in certain areas of study, and concentrated in arts, humanities, social sciences and education. The Government had published a plan for equity in higher education entitled "A Fair Chance for All", which set the goal of increasing women's share of engineering enrolments to 15 per cent and in other non-traditional courses to 40 per cent by 1995.

397. Members of the Committee requested further information on the education of Aboriginal women, their enrolment at university and their entry into the professions. The representative replied that the enrolment of Aboriginal and Torres Strait Islander women in higher education had increased by 192 per cent in the past five years, with women now representing 61 per cent of the total number of students. The rate of completion of courses remained of concern, although no detailed figures were available.

Article 11

398. The Committee was interested in the outcome of an initiative to review the restructuring of earnings. The representative confirmed her Government's strong support of a continued review of award wage relativities based on comparisons of skills and responsibilities. The ratio of female to male average weekly ordinary time earnings for a full-time adult was 83.2 per cent in 1992. A survey on workplace bargaining found that more male employees benefited from workplace-negotiated wage agreements. Reforms to the Industrial Relations Act 1988 were undertaken in consultation with women's organizations to ensure that the industrial reforms would protect women's interests. Certified agreements would continue to exist between employees, unions and employers, but flexible agreements might be made directly between employers and employees. Agreements were required to ensure "no disadvantage" in the terms and conditions of employment for the employees. To that end, a number of additional safeguards had been included.

399. Asked whether the authorities planned to propose legislation to ensure equal remuneration for work of equal value with a view to raising women's incomes, the representative stated that the Government had ensured that provision under the Industrial Relations Reform Act 1993. Efforts were made to remove discriminatory elements in wage-fixing arrangements.

400. In view of the fact that the majority of women in Australia were working part time and assuming all family obligations, members took note of their economic disadvantage and inherent obstacles for career advancement and participation in public activities. Further clarification on the status of part-time workers, particularly their pension and social security rights, was needed. The representative confirmed that Australia had seen an increase of female part-time employment by 60 per cent compared to a growth in female full-time employment of approximately 25 per cent. Part-time workers tended to be employed more frequently on a casual basis than on a permanent part-time basis, which would give them continuity of employment and the possibility, generally, of accruing benefits. The Government welcomed the extension of permanent part-time employment and indicated that casual work should generally be restricted to short-term, irregular or seasonal work. The representative gave detailed information on pension and social security rights of part-time workers, in

particular unemployment payments, job research and newstart allowances, family payments, pension payments and superannuation which would significantly increase coverage of part-time and casual employees. Asked what was considered part-time work, the representative said that it was employment of less than 30 hours a week.

401. The Committee noted that 44 per cent of working mothers had children under 4 years of age, 60 per cent had children under 14 years of age and 49 per cent were single mothers. They asked whether the 1989-1991 programme for the refurbishment and construction of centres had solved the problem of child care. The representative stated that the Government had implemented growth strategies to expand the number of funded child-care places, so that 74 per cent of the demand for formal work-related care for children below school age and 51 per cent for school-age children was met in 1992-1993.

402. Asked about women's employment in mines, the representative replied that there was resistance from the trade unions to allowing women to go underground and to enter an exclusively male-dominated profession.

Article 12

403. Asked whether the nationally organized cervical screening programme had been implemented, the representative confirmed that all Health Ministers had adopted an organized approach to detection and management of cervical pre-cancers that included a national cervical screening policy based on a two-year interval, an age range of 18 to 70 years and the establishment of cervical cytology registries. In addition, a television campaign to raise awareness among women on the need for regular testing had been launched in 1993.

404. On a question related to family planning and freely available contraceptive advice for young women without parental consent, the representative said that young women had free access to advice on sexual and reproductive health in clinics funded under the Family Planning Programme.

405. The Committee wanted to know if abortion was available to young women on the same basis as adult women. The answer was that although equal service was ensured in theory, pregnant minor women were disadvantaged in their access to abortion services, since they did not have their own Medicare card and lacked support and money for transportation and consultation of specialists.

406. The Committee asked whether the Government planned to harmonize its family-planning, contraception and abortion policies. The representative stated that abortion laws were the responsibility of State and Territory governments, whereas the Family Planning Programme was a Commonwealth initiative. A harmonization took place in the sense that the Family Planning Programme was a means to prevent unwanted pregnancies and reduce demand for abortions.

407. On a question about the decrease of maternal and child mortality rates among the Aboriginal population, the representative stressed that the health of Aboriginal and Torres Strait Islander peoples had significantly improved in the past two decades. However, the burdens of disease continued to be comparatively high as did levels of child mortality. The proportion of maternal deaths had not decreased yet. There was a great need for an indigenous women's health policy to complement the National Aboriginal Health Strategy, the major initiative in Aboriginal and Torres Strait Islander health. Asked about legal or social barriers to artificial insemination and the public's response, in particular women's response to that process, the representative replied that the

direct regulation of artificial insemination was a matter for State and Territory governments. The Commonwealth Government subsidized artificial insemination through the national health insurance scheme. There was evidence that the majority of the population accepted artificial insemination as part of wider reproductive technologies but was concerned about the confidentiality of information, ethnic cultural values and the rights of the child. Women were particularly concerned about the cost and emotional stress involved.

Article 15

408. The Committee commented on a recent controversy about gender bias in the courts that had resulted in a referral to the Australian Law Reform Commission. It asked whether the Government would introduce legislation or encourage law societies and the judiciary to adopt and implement the final recommendation of the Commission. The representative stated that her Government had taken action to address the issue of gender bias in the legal system. The Attorney-General had acknowledged that the process of judicial appointments should comprise suitably qualified women as well as other underrepresented groups. The Federal Government recognized the importance of judicial education. Gender bias awareness programmes for magistrates and judges had been developed.

Article 16

409. The Committee wanted to know how the Government intended to enact and enforce legislation designed to comply with the Convention and to protect women if marriages contracted according to customary law conflicted with the Convention. The representative said that Aboriginal customary marriages did not comply with the provision of the Marriage Act 1961 and therefore were not recognized as valid marriages, but could be accepted as de facto heterosexual relationships in some State jurisdictions. The Australian Law Reform Commission recommended that Aboriginal customary marriages should be recognized for specific purposes, such as social security law, and for giving legitimate status to the children of such marriages. There were no plans to legislate with respect to Aboriginal customary marriage.

410. The Committee noted that the Australian Law Reform Commission had made certain recommendations concerning marriage practices, such as polygamous marriages, which might comply with religious or customary law but be in conflict with the principles of the Convention. Asked whether there were plans to legislate and enforce domestic law which would protect women from traditions that endangered their health and caused them and their children hardship, the representative stated that marriage, according to the law in Australia, was the union of man and woman voluntarily entered into for life and a contract of valid polygamous marriage was not possible according to the law. A de facto polygamous marriage contracted outside Australia would be recognized only if valid according to the common law rules of private international law. Any religious or customary marriage which did not comply with the Marriage Act's provisions was not valid.

411. On a question with regard to de facto relationships and the legal action taken to solve the problem of custody and guardianship of children, inheritance, maintenance and allocation of household property, the representative said that the effect of a de facto relationship was governed by State and Territory legislatures and courts, except in relation to children of such relationships. Jurisdiction therefore varied on the issue of share in the intestate estate of a deceased de facto partner. Guardianship, custody and maintenance of children was a matter for the Family Court or the Federal Child Support Agency.

412. The Committee deferred its concluding comments on the report of Australia until its fourteenth session.

## Barbados

413. The Committee considered the combined second and third periodic reports of Barbados (CEDAW/C/BAR/2-3) at its 245th meeting, on 26 January (see CEDAW/C/SR.245).

414. In introducing the report, the representative of the Government noted that the country had suffered from the global economic crisis, which had led to a decline in the gross domestic product and to the introduction of stabilization and structural adjustment measures that were beginning to have an effect. The measures had not been painless and women had been disproportionately affected by them, including through an increased unemployment rate which was higher than that for men.

415. Educational opportunities were now largely equal and girls were generally more successful than boys. There had also been significant improvement in law reform, particularly in the area of family legislation, including domestic violence and sexual offences. The national machinery, the Bureau of Women's Affairs, had been supported by the reinstitution of the National Advisory Council on Women and a project to strengthen the Bureau further had been approved by the Inter-American Development Bank (IDB).

### General observations

416. In response to a question about the reaction of the public in general, and especially men, to the economic and social progress achieved by women, the representative stated that the general public appeared comfortable with the changes, although some men and some women traditionalists had experienced difficulty in accepting changes. A variety of strategies had been pursued to raise the level of consciousness of men and women regarding changes, including use of the mass media, community organizations and the normative effect of judicial decisions. The evidence from divorce statistics, which were declining, suggested that there was increasing, rather than decreasing, harmony.

417. To the question whether there had been a negative reaction by men, the representative replied that some negative reaction had been expected, but an effort had been made to have those reactions expressed in various forums. It was noted that Barbadian society was affected by a number of influences, including an African heritage, United Kingdom colonial rule and proximity to the United States through transnational media. One example of change was the rapid introduction of coeducation, which had provoked a reaction among some men who preferred single-sex schools.

418. Replying to a question on consultation with non-governmental organizations in the preparation of the report and publicity given the Convention and the reports, the representative referred to the extensive use of media programmes on gender issues in which references to the Convention had been frequent. Asked for further details on consultation with non-governmental organizations, the representative replied that women's organizations and other non-governmental organizations had all been invited by the Bureau of Women's Affairs to provide input to the report in their areas of competence, and that input formed the basis of the report. In addition the media were involved in advertising the report, which was circulated in the media, and its content discussed publicly.

Its content was also included in the gender training programme for the leadership of the women's organizations.

Questions related to specific articles

Article 2

419. Responding to a question on the extent to which the Constitution had been amended as a result of ratification of the Convention to ensure a constitutional provision for equality and the steps being taken to eliminate elements of discrimination, the representative noted that under the country's judicial system, treaties had to be implemented through enactment of municipal legislation. That was why an effort had been made at law reform, which had removed most legal obstacles to equality, and 10 major amended statutes were cited. The Constitution itself provided for equal treatment of all citizens without discrimination. Legislation was still required in the area of violence, sexual offences, citizenship and disparities among public officers.

420. To a question on the implementation of the programme on women in the 1988-1989 development plan, the representative replied that the plan envisaged a national policy on women, including greater participation in decision-making, health and employment, work on areas requiring further legislative changes, training and technical assistance through the Bureau of Women's Affairs, programmes to facilitate inter-agency cooperation and studies. A new plan covering the period 1993-2000 had been prepared, emphasizing strengthening of the Bureau, women's organizations and other policy-making agencies.

Article 5

421. In response to a series of questions about actions to deal with domestic violence, including, in particular, the Domestic Violence Protection Orders Act of 1992, the representative noted that the legislation was based on protection orders and covered both legal and de facto unions. The Sexual Offences Act of 1992 updated legislation dealing with rape and other sexual offences. The interpretation and decisions of the courts had clearly indicated that the legislation should protect against violence. A media programme for public education and other measures, including training for police and counselling for families affected by violence, were to be implemented.

422. Another question related to whether the inclusion of women in the national plan had had any effect in reducing stereotypes. The representative replied that activities included obtaining data for reports to the Committee and the Organization of American States, as well as research on the impact of structural adjustment programmes on women, especially on single-headed households. Gender training and women's studies were part of the university curriculum and school texts had been reviewed to eliminate gender bias.

Article 6

423. In reference to issues raised during the consideration of the initial report, the question was asked whether the Government had taken measures to curb prostitution as a major vector in the spread of HIV/AIDS and whether programmes had been established to rehabilitate prostitutes. The representative replied that trafficking in women was illegal and covered by the Sexual Offences Act. There was also an effort to curb prostitution to deal with HIV/AIDS through public education, mass media and training of medical personnel.

424. Additional questions were asked as to whether prostitution was related to the tourism industry and whether it was increasing or decreasing. In reply, the representative stated that prostitution was not an organized phenomenon and was rather a form of self-employment and for that reason was hard to quantify. There was no evidence that it was linked to the tourism industry as was the case in some countries.

Article 7

425. A question was posed regarding the limited number of women in decision-making positions, especially given the fact that in several age groups women outnumbered men. The representative stated that there were no legal barriers to women's participation, women participated actively in campaigning and voting and there were a number of women in high positions, including the post of Governor-General. However, in the most recent election, only one woman had been elected to the House of Assembly, although six currently served in the Senate, where members were appointed.

426. In response to other questions on government measures to encourage women's participation, it was stated that there was a contradiction between the number of women's candidacies and the electorate, which had a female voting majority. All candidates received the same kind of government support. The IDB project would provide for workshops to do consciousness-raising in all sectors and at all levels of the Government and the private sector.

427. Replying to the question whether the policy of having equal numbers of men and women on several boards would be applied to other boards, the representative stated that women were still a minority on most boards and, although there had been some improvement, it was not as significant as might be hoped. There was no quota system in place and the composition of boards was related to technical knowledge, although the government policy now placed emphasis on equity. The Bureau of Women's Affairs was preparing a directory of resource persons in specific fields which it hoped would be used to help to equalize the situation.

428. With regard to the relationships between women's organizations affiliated with the Bureau of Women's Affairs and the Bureau itself, it was stated that the Bureau was the national machinery for women and had a mandate to involve all women's organizations. The representative noted that many social development initiatives came from women's organizations, which were recognized by the Government and some of which received subventions.

Article 8

429. In response to a question on the measures being taken to enhance the representation of women in international organizations and at the international level, the representative stated that there had been some improvement and that Barbadian women had been active in a number of international forums. The appointment of women to senior civil service positions meant that there would be greater representation by women at international conferences and other activities.

Article 9

430. Regarding action taken to amend the law on citizenship to permit spouses of Barbadian women to obtain citizenship, the representative stated that the law was already being addressed and that it would also deal with the transmission of citizenship by a married woman to her child.

Article 10

431. The question was asked whether the Government intended to implement a policy to ensure women equal access to vocational training in areas where men predominated and to encourage girls to enter non-traditional professions. The representative replied that vocational training and instruction were equally available to women and men and that guidance counsellors were seeking to encourage girls to enter non-traditional fields. That was reflected in the fact that more women were entering those fields in the labour force.

432. Asked about the social science subjects included in the curricula of schools, the training of teaching staff and the participation of women in pedagogical and research activities, the representative stated that social science subjects were included in the curricula at all levels and that the majority of participants in teacher training were women.

433. Responding to the question whether the subject of human rights had been introduced into the curriculum and at what levels, the representative stated that human rights was a component of the family life education syllabus and was offered as a separate subject at the university level.

434. Concerning the educational measures taken to encourage non-traditional education, the representative noted the work of women in development units within the Bureau of Women's Affairs in the development of gender training, which had had a significant impact; boys were also receiving that training. There had been a six-month radio call-in programme for public education on violence against women, and there had been similar discussions on means and measures taken by the Government on structural adjustment programmes with a view to providing retraining programmes to develop women's productive skills and enable them to participate in income-generating activities.

Article 11

435. The question was raised whether there was a guaranteed minimum wage and an unemployment allowance adequate to ensure maintenance of a family's living standard, and how the provisions of the ILO Conventions on equal pay for work of equal value were being implemented and monitored. The representative stated that the principle of equal pay had been implemented, there were guaranteed minimum wages for shop assistants and domestic employees and unemployment benefits were available.

436. Additional questions were asked on the measures taken to implement the ILO Conventions by legislation and whether there had been any equal pay cases filed. In reply, the representative noted that implementation required specific legislation, some of which had been adopted, but that details would be provided in the next report.

437. As to why more women were jobless than men and what measures had been taken to address that phenomenon, the representative stated that it was a result of the changing world economic environment and structural adjustment programmes, which had affected areas where women predominated. The Government had taken a number of steps to address the situation, including retraining and measures to stimulate economic productivity in both export and local areas.

438. Questions were asked about participation of women in trade unions, especially in terms of women's membership and participation at decision-making levels. The representative answered that no restrictions were placed on women's participation in trade unions, and that women were involved as members and in decision-making on an increasing basis. For example, some unions, like teachers' unions, had 50-50 representation at the highest level. Public workers' unions were seeing an increase in women at management levels through their efforts to raise the confidence of women about participating at decision-making levels.

439. To a question on the social allowances and benefits enjoyed by working women, including child care, organized relaxation and assistance in building a home and in daily domestic services, the representative replied that benefits were available under the national insurance scheme, workers' compensation, severance payments and free medical services in polyclinics. Day care was also available, public workers could benefit from a housing loan scheme and there were other programmes available to assist in home purchases or construction.

Article 12

440. In response to the question whether health-care bodies had improved their effectiveness in diagnosing and treating cancer since the last report, the representative stated that there were a number of efforts at early detection and treatment under the leadership of a non-governmental organization, the Barbados Cancer Society, as well as educational and promotional programmes. As a result, the impact of breast and cervical cancers had decreased. The programmes were projected for expansion into hospice care.

Article 13

441. Asked whether informal organizations that had begun accepting women members brought them to decision-making levels and whether they were able to participate in all of the social activities of the Bridgetown Club, the representative stated that the main service organizations had amalgamated their men's and women's branches and women served in the leadership of the clubs. Women now participated in membership and other activities of the Bridgetown Club.

Article 16

442. To requests for information about the number of divorces, the trends in single-parent families, the nature of the family as set out in the law and limits to the free choice by women of a spouse, the representative responded that no specific studies had been done on fluctuations in divorce rates but that the incidence of divorce had decreased between 1989 and 1992 and more women than men were filing for divorce. The concept of family was embodied in all family legislation, affirming that it was the basic unit of society and providing for counselling prior to any divorce proceedings and procedures for equitable maintenance, custody of children and equitable distribution of marital assets. Those provisions were also applied to parties in de facto unions. There were no limits to the rights of women in the free choice of a spouse.

443. Another question asked was whether, given the possibility of the same person having a de facto in addition to a legal marriage, that constituted a form of polygamy. In reply, the representative stated that, once a person was married, that took precedence over any other relationship and a person could only be legally married to one person. However, protection was accorded to the children of another union.

444. Information was requested concerning the rate of divorce, the reasons for changes and whether procedures for reconciliation achieved the desired goal. In reply, it was noted that there was no evidence on the question but that it merited further study.

Concluding comments of the Committee

Positive aspects

445. The Committee particularly noted positive features in the reports of Barbados:

(a) That Barbados had ratified the Convention without reservation demonstrated the Government's commitment to achieving equality for women in public and private life;

(b) The Committee welcomed the fact that the Government had continued with its plans of action to improve the status of women in Barbados in spite of economic problems encountered during the reporting period. The Committee was pleased that the Government had recognized the need to cushion the impact on women of its structural adjustments;

(c) The Committee noted that Barbados had enacted most, if not all, the national legislation required to give effect to the Convention in Barbados;

(d) The Committee praised the Government for its emphasis on education as the key factor in advancing the status of women in that country;

(e) The Committee also applauded the continued operation of government machinery which had the responsibility to collect information about the status of women in Barbados, cooperate with non-governmental organizations in improving the lot of women, provide programmes designed to assist and support women in the community and disseminate information designed to improve women's status.

Principal subjects of concern

446. The Committee expressed concern at the serious lack of female participation in politics and in the representation of Barbados at the international level and in other decision-making positions. The Committee considered that to be of such importance that it wished Barbados to consider enhanced campaigns to involve women in those positions by applying article 4 of the Convention.

447. The Committee was also concerned, given the importance of tourism to the Barbados economy, to ensure that the Government was aware of the potential for an increase in prostitution. More detailed information about the incidence of prostitution, its control and the provision of health care for prostitutes should be included in the next report.

448. Finally, the Committee wished to encourage the Government of Barbados to consult with non-governmental organizations when preparing its next report and to obtain their assistance in achieving the Convention's objective of improving the status of women in its country.

Suggestions and recommendations

449. The Committee expressed the wish that in future reports Barbados would provide more information:

(a) Evaluating the impact of programmes designed to enhance the status of women and legislation granting women equal status with men;

(b) Evaluating the outcome of the latest plan of action of the Bureau of Women's Affairs and the educational programmes in schools and tertiary institutions;

(c) Setting out whether there had been any noticeable improvements in the status of women such as improved educational standards, decrease in prostitution, reduction of violence against women and greater participation in decision-making roles in public life;

(d) Stating whether the Bureau's educational programmes had resulted in an improved commitment to the equal status of women by both men and women;

(e) Giving more information about women in the workforce, for example their pay and terms of employment, their participation in trade unions and what obstacles they faced in employment in such areas as achieving equal pay with men.

## Colombia

450. The Committee considered the revised combined second and third periodic reports of Colombia (CEDAW/C/COL/2-3/Rev.1) at its 250th meeting, on 31 January (CEDAW/C/SR.250).

451. In presenting the report, the representative read out a letter from the President of Colombia to the Chairperson of the Committee, in which the President reaffirmed the commitment of the Government to guaranteeing equal rights for women as spelled out in the Constitution of the country. That commitment had been demonstrated by the establishment of the Presidential Council for Youth, Women and the Family and by the adoption of an integrated policy for women and a development policy for rural women.

452. The representative focused on the achievements made by her country since 1987, the year of the presentation of the initial report. She said that the ratification of the Convention had been the result of pressure exercised by women's organizations, international groups and the nascent awareness of national institutions, in addition to events promoted by the United Nations within the framework of the United Nations Decade for Women. The creation of the Colombian Women's Integration Council in 1980 had marked a milestone in that it recognized the necessity of creating a national mechanism for coordinating the various sectoral efforts to integrate women into their activities. Certain sectoral developments had been successfully initiated and had led to the creation, in 1990, of the Coordination and Control Committee on the Convention and to the establishment of the Presidential Council for Youth, Women and the Family.

453. In connection with the celebration of the International Year of the Family in 1994, the Government had taken care to ensure that the achievements and the progress made with regard to the status of women would not be jeopardized by the general concept of the family. The rights of all family members had to be respected and it should be possible to reconcile individual projects with family responsibilities. The subject of family violence would be a priority issue.

454. Regarding the preparations for the Fourth World Conference on Women, the representative said that the Presidential Council had been designated as a focal point for the coordination and mobilization of governmental and non-governmental organizations and also for the preparation of the national report.

455. She assured the Committee members that their observations would be taken into account in the elaboration of future government policies and also for the subsequent report.

General observations

456. Members commended the Government of Colombia and the Colombian non-governmental organizations for the progress made in spite of the difficulties created by violence and the economic recession. Special mention was made of the 1991 Constitution, which recognized very extensive rights for women, and of the good representation of women in economic life, although their proportion in public representative institutions was still low. In spite of the fact that some women had assumed high political positions, their representation in political decision-making was still very limited. They welcomed the appointment of three female ministers. The members hoped for the enactment of a draft law that provided a guarantee for the appropriate and effective participation of women at decision-making levels of public administration and encouraged political parties to present more female candidates for elections. Furthermore, they urged the Government, in implementing the Convention, to adopt programmes for rural women.

457. Members expressed appreciation for the message sent by the President and for the dense, self-critical and frank report, as well as for the extensive replies given. They commended the establishment of the Presidential Council for Youth, Women and the Family and hoped that the new administration would maintain its efforts for the advancement of women.

458. In reply to the question why the Coordination and Control Committee had not functioned since its establishment, although it could have complemented the efforts of the Presidential Council, the representative said that, although the Committee's establishment had demonstrated the Government's intention to create a national coordination mechanism for women's questions, it could not fulfil its mandate because of its weak institutional structure. That was why the present administration had created the Presidential Council for Youth, Women and the Family.

459. Asked about the Council's budget and organizational structure and the coordination between it and other government departments dealing with women's programmes, the representative said that the Council was part of the administrative structure of the State. The Council depended upon the President and had to coordinate resources for projects and programmes that guaranteed the promotion of women and the rights of the elderly. It was also the focal point at the national and international levels for women and gender-related issues. For the first time, gender-related issues had been integrated into development. The Council's functions consisted in defining policies, providing technical

guidelines for integrating them within the governmental bodies, developing methods for promoting social and economic programmes and coordinating activities with ministries, institutes, regional bodies and non-governmental organizations. In order to strengthen the Council, strategies were being developed to make it into a permanent institution that should survive a change in government. The Council also gave support to departmental and municipal women's offices in order to strengthen them to such an extent that they would survive a change in administration, not only because of their legal structure but also because of their visibility.

460. The Council had been established by the President and currently had a staff of 50 persons. Its programme also included issues related to youth, the elderly, the disabled and the family, as well as income-generating activities, and its goal was to make women benefit from the development process. In addition, there was coordination with other sectors on subjects such as developing coeducational programmes and non-sexist curricula, health care for women, credit and training for women in micro-industries, and support for female heads of households. The Council had already been institutionalized to the extent that the current candidates for the presidential election were already considering different administrative structures for a national women's office.

461. The Council had its own budget, received in part from national allocation, in part from international cooperation agencies. Additional funds for special programmes came from ministries, decentralized institutes and regional and municipal institutions.

462. Members requested information concerning programmes and measures directed towards disabled women.

463. In additional comments, members noted that the Presidential Council should be strengthened and hoped that the institution would be maintained even if the government changed. They asked what the greatest achievements of the Council had been. They also inquired about the impact of guerilla warfare and drug trafficking on the lives of urban and rural women.

Questions related to specific articles

Article 2

464. The representative highlighted the most important provisions of the Constitution, which had entered into force in 1991 and in which the principle of gender equality was enshrined. The provisions of the Convention had been incorporated in national legislation.

465. Other new laws that contributed to the equality of women and men were the Social Security Law, the General Education Law and the law that allowed divorce and gave support to single female heads of household. Currently, a draft law concerning sexual violence, sexual harassment and the participation of women in public administration were being discussed.

Article 3

466. Among institutions dealing with the advancement of women, the representative mentioned the Presidential Council for Youth, Women and the Family, the Office for Rural Women and 11 departmental and municipal women's offices and sectorial programmes.

Article 5

467. The representative said that, in the mass media, as well as in formal education, traditional stereotypical gender roles still tended to be reproduced and maternity and reproductive activities remained the primary responsibility of women.

468. Asked for additional information regarding violence against women, the representative said that, in comparison with the importance of that problem, the services available to female victims were still scarce. Statistics and studies were insufficient and based on partial data, yet the available information was alarming. According to a recent study, 65 per cent of women who were either married or lived in consensual unions stated that they had had a violent fight with their partner. One in 5 women said that they had been beaten and 1 in 10 declared that they had been forced into sexual relations. The current legislation did not cover that offence, nor were there sanctions for violence against women. As the Constitution made specific reference to marital violence, efforts were under way to adopt appropriate legal norms to penalize violence against women.

469. Regarding the question whether female victims of violence were given legal advice free of charge, the representative mentioned the family commissions that had been created in 1989 to prevent such violence and to give assistance free of charge to women who had become victims. Currently, there were about 100 commissions, which received special support from the Government. They were municipal police-type bodies that undertook emergency measures until the cases were dealt with by the appropriate judicial or administrative authorities. However, because of budgetary limitations and lack of awareness about the issue, not all municipalities had set up such commissions.

470. Regarding the availability of those commissions in rural areas the representative said that they did not yet exist in all rural areas. Efforts were under way to establish more family commissions so as to establish a nationwide network and to provide the necessary training to the officers and to extend the free legal advice services throughout the country.

471. Replying to a question about special training for the officers working in family commissions, the representative said that, although there was not yet any systematic training programme, some progress had been made and training workshops and programmes were being organized for judicial personnel who had to deal with female victims of violence as well as for the officers of the family commissions.

472. Regarding a question about shelters for female victims of violence, the representative said that there were only a few, which were run by non-governmental organizations.

473. In additional comments, members commended the efforts made to obtain more accurate data on violence against women. They noted that no mention had been made of measures to eliminate the root causes of violence. They said that one of the most important measures was the education of the entire society. They expressed the hope that the question of violence would also be dealt with in subsequent reports.

Article 6

474. Regarding prostitution, the representative said that the invisibility of the problem and insensitivity to it hampered implementation of the relevant provisions of the Convention. It was still felt that was a problem of private morals and not an ethical problem in a society that pretended to be a developed democracy.

475. In reply to the question whether HIV/AIDS prevention and treatment programmes were targeted at women engaged in prostitution, the representative said that, since 1992, the Ministry of Health had been training prostitutes in the prevention of HIV/AIDS and in the use of condoms. Those training programmes were confined to the main cities. The prevention of HIV/AIDS through screening programmes was also difficult because of the high cost involved. Apart from some big cities, there were generally as yet no services specifically for the care of women prostitutes affected by HIV/AIDS. In December, the Institute of Family Welfare had started an ambitious programme for preventive and health care for girls who were at risk of becoming prostitutes.

476. Members requested that subsequent reports contain further information concerning prostitution. They also said that particular attention should be paid to the phenomenon of increased street prostitution. Some expressed concern that only rape of minors below the age of 14 was penalized very strictly, considering that aged and disabled women were equally vulnerable.

Article 7

477. The representative said that no legal measures discriminated against women with regard to political participation. However, although they had increased their participation, statistics showed that in practice women had not reached the highest levels equitably and continuously. Whereas more women could be found in leading positions in trade unions in the public sector, in the private sector their number was much smaller. The representative also highlighted the information given in the report regarding the role of women in community organizations, political parties and the cooperative movement. She said that 180 non-governmental organizations dedicated their activities in 1993 to the promotion of women.

478. Members noted that the statement in the report that women were "not yet organized in sufficient strength to constitute a pressure group" was not valid. Women could not wait to be organized, they ought to take action in all fields in order to achieve greater participation in decision-making. They also asked whether any initiative was taken to promote the participation of women in political life through increasing their numbers in political parties or on candidates' lists.

Article 8

479. The representative stated that currently the Minister for Foreign Affairs was a woman and that 10 per cent of all ambassadors were women.

Article 10

480. The representative said that measures had been taken to improve and promote the concept of equality through the production of non-sexist school texts. Women represented between 49 and 52 per cent of school enrolment from primary to university education and there was a marked trend in favour of coeducation. While considerably more women had taken up courses in administration, economics, engineering, law and agronomy, women were still concentrated in traditional areas.

481. Asked whether the draft General Education Law had been adopted, whether it contained specific measures to combat discrimination against female students and positive measures to counter traditional stereotypes, the representative said that the law had been adopted in December 1993. It did not contain affirmative measures or provisions specifically addressed to women. Legislation did not contain any special measures directed to education.

482. Members requested further information on the participation of women in the various fields in which educational training was provided.

483. In additional comments, members requested further information about provisions dealing with non-sexist education and were concerned that the law did not devote more attention to the issue of non-sexist education.

Article 11

484. The representative mentioned a law for the support of women heads of household that had been adopted in December 1993, which gave female heads of households a right to social security, preferential access to education, employment, credit, micro-enterprises and low-cost housing. That law was the first example of affirmative action in Colombia.

485. As to whether measures had been taken to ensure the welfare and labour rights of women working in the informal sector and whether the draft law on social security mentioned in the report had been adopted, the representative said that Law 100, which had created the basis for the integrated social security system, had been adopted in December 1993. According to that law, social security was no longer the sole responsibility of the State. For old age and invalidity pensions, persons could choose between the social security scheme maintained by the State and another scheme financed from pension funds in the private sector. Over a span of seven years, the entire population, including people who could not pay the premiums, should be covered by a health insurance scheme. The contributions of the poorest and most vulnerable persons in rural and urban areas would be subsidized and special attention would be given to, among others, women during and after pregnancy, lactating mothers, women heads of household and workers in the informal sector.

486. Regarding questions whether the current laws were being enforced, and by what means, and whether labour inspectors dealt with failures to comply with the law, the representative said that the Ministry of Labour and Social Security had the authority to supervise the application of the laws through its Division for Special Relations. It was currently doing research on discrimination against

women in the field of employment. The results of the study would be used to initiate training and consciousness-raising of labour inspectors in that field.

487. Asked whether legal counsel and legal defence services were available to women free of charge, the representative responded that free legal counsel on labour matters was available to the vulnerable sections of the population, such as working children, women, indigenous women and disabled persons. In general, however, women were inadequately informed about their labour rights and the services that were available free of charge.

488. Regarding further details about women's participation in the labour market, the increase in the economically active female population, the occupational categories, wage differences, women's employment in the informal sector and the increase in the number of women heads of household, the representative referred members to a 1993 document entitled "Latin American women in figures" that had been distributed during the meeting. Women's integration into the labour market had been much faster than men's, but at the same time women had to face many adverse factors, such as their concentration in the informal sector with its precarious social security and legal protection, the higher rate of unemployment and the poverty that affected women heads of households to a greater extent.

489. In additional comments, members congratulated the Government for all the efforts undertaken and asked for the percentage of women heads of households.

Article 12

490. In reply to a question about plans to amend the existing laws governing the voluntary termination of pregnancies, the representative said that abortion was still illegal. The last attempt to legalize abortion had been made in 1993, but the draft law had had to be set aside because of strong opposition from members of Congress.

491. Regarding a question about campaigns to promote the use of condoms in order to reduce the spread of HIV/AIDS, the representative said that, in spite of massive resistance from religious groups, the Ministry of Health had managed to set aside important resources for an intensive media campaign to promote their use. None the less, widespread distribution of condoms had not been achieved.

492. In additional comments, members said that women in Colombia should fight for the legalization of abortion not in order to reduce births, but in order to protect women from illegal abortions, which resulted in maternal mortality. They said that the problems associated with abortion had not been helped by the Government's family planning media campaigns and programmes.

Article 13

493. The representative made special reference to the newly adopted Law on Social Security and Pensions, which contained, inter alia, the obligation to organize special information and education programmes for women in the fields of integrated health and sex education in less developed parts of the country, especially for the rural population and the young.

Article 14

494. The representative supplemented the information contained in the report by mentioning a policy document for rural women, which contained general objectives and basic strategies for rural women and which had been approved in the latter part of 1993. Its purpose was to better the quality of life of rural women by giving them equal opportunities for taking part in the sectoral strategies and in political life and better access to productive resources, and by increasing their revenues. The national machinery for rural women should also be strengthened.

495. In additional comments, members observed that regulations and laws were needed to govern the labour practices of flower producers.

Article 15

496. Although women had full equality before the law as spelled out in the Constitution, that principle had not been translated into full de facto equality. The major obstacles were insufficient information of many women about their rights and about the legislative machinery that was available to them for making them effective. In order to overcome that obstacle, the Presidential Council would, in the course of the International Year of the Family, disseminate widely information about fundamental family rights, in particular the rights of women.

Article 16

497. The representative pointed out three major innovations: a decision of the Constitutional Court in 1992, according to which domestic labour was recognized as a contribution to the assets of the couple in a de facto union; a law adopted in 1992 according to which divorce was permitted for all marriages, including marriages in the Roman Catholic Church; and a provision allowing for divorce by mutual consent.

498. The Committee deferred its concluding comments on the reports of Colombia until its fourteenth session.

## Ecuador

499. The Committee considered the second and third periodic reports of Ecuador (CEDAW/C/13/Add.31 and CEDAW/C/ECU/3) at its 244th meeting, on 25 January (see CEDAW/C/SR.244).

500. In her introductory statement, the representative of Ecuador said that discrimination against women was deeply rooted in the socio-economic problems of her country, which had been facing a most serious recession in the last 10 years. She explained that the second periodic report was of a more descriptive nature, whereas the third periodic report contained the drafts of legal amendments.

501. Having confronted a serious recession since 1980, the Government had taken macroeconomic adjustment measures which had had an unfortunate impact on the weaker members of society, in particular on women and children. A growing decrease in GDP per capita and in the volume of imports, together with an increase in external debts, had brought with it a drastic reduction in social security spending. The budget of the Ministry of Social Welfare had been cut by 47 per cent. She explained that only 26 per cent of the population had access to social security, 76 per cent of women through formal employment and 9 per cent of women through informal employment, and that indigenous women had no access to social security at all. The representative explained that according to a UNICEF survey, 66 per cent of families lived below the poverty line. While higher and middle class income levels had increased 50 per cent, the income of the overall population had decreased constantly. Social movements were losing strength and momentum. Unemployment was reported to have reached 12 per cent; of the economically active population, underemployment had reached 56 per cent; 48 per cent worked in the informal sector.

502. In 1988, the "Social Front" was established, combining the ministries of Social Welfare, Labour, Health and Education, and presided over by the Ministry of Social Welfare. Its goal was to eliminate the recurrent problems of bureaucracy and to avoid the duplication of programmes. The National Committee for Planning and Social Development took office in 1989. The representative also reported on the Fund for Social Investment which directed funds to rural development, youth and women.

503. The representative reported on the critical living conditions of children in her country. In many families, children contributed 19 per cent of an average household income. Some children aged 8 to 11 years were working 40 hours a week. School attendance suffered as a consequence, with only 30 per cent of children finishing elementary school. To combat the high rate of illiteracy, the previous Government had launched a campaign entitled "Ecuador estudia", which had decreased the illiteracy rate considerably.

504. Although no exact data existed on the incidence of disability, numbers were expected to be very high, with an estimated 18 per cent of the population having disability problems and frequently living in substandard conditions. However, there existed no specific projects for women with disabilities. Malnutrition was one major cause of disability, as was the lack of adequate health care, in particular prenatal, delivery and postnatal care, as well as the lack of immunization programmes for women and children. In 1982, a law had been adopted concerning disability. A national programme for the disabled had been launched which included tax exemptions as well as large-scale public campaigns to provide facilities for disabled people in urban structures. The Government had set up eight rehabilitation centres which were concentrated in the cities.

505. Concerning the situation of rural women, the representative reported on the existing gap between urban and rural areas. Many development programmes focused on the cities, while the rural areas were abandoned and neglected. With the migration of the male population from rural to urban areas, women and children who were left behind took over the agricultural activities. The Ministry of Agriculture and Livestock carried out projects on appropriate agricultural technology for women.

506. The representative described the environmental sanitation situation both in urban and rural areas, which was very poor; there was a lack of safe drinking water. As a consequence, infant mortality was one of the highest in Latin America. Half of the children below five years of age suffered from malnutrition.

507. Concerning legal reform, the representative indicated that considerable legislation aimed at enhancing women's status had been introduced but some measures had faced opposition in the Congress. Congress had given serious consideration to the discussion of the draft amendment of the Code of Criminal Procedure. A draft of the first Code of Family Law was submitted to the Congress in January 1994 by the Parliamentary Committee for Women, Children and the Family. Following the ratification of the Convention on the Rights of the Child in 1992, a new Code for Minors had been elaborated.

General observations

508. Members of the Committee thanked the representative of Ecuador for providing a frank report committed to the advancement of women and expressed their concern about the alarming living conditions of the majority of women. They noted that the economic situation and the structural adjustment measures had affected her country more than others. Women and small children were the major victims. While recognizing the progress made in legal reform and in socio-economic programmes, in particular in combating illiteracy in the female population and in the elimination of stereotypes in education, members were concerned about the number of remaining obstacles to equality. While Ecuador had already given women the right to vote in 1929, and was in fact one of the first countries in the region to do so, women still faced discrimination in 1994.

509. Members of the Committee noted the need for the Government to define modern, up-to-date criteria for development and to improve what was deemed to be a kind of medieval situation for women, which was the result of a patriarchal structure in which women were denied basic rights. Before enjoying legal rights, women needed to be given basic human rights, such as safe drinking water and better nutrition. Half of the population of the country could not participate with pride in the life of the country. Members emphasized that, despite the economic problems, many programmes related to women's equality could be carried out with few resources.

510. The Committee expressed the feeling that the prevailing attitude in Ecuador was that the Government was not giving serious consideration to the advancement of women. There was a de jure and de facto gap in the attainment of women's equality. Moreover, members asked whether the women in Ecuador themselves wanted to change their current situation. If such was not the case, women's consciousness about their situation and their rights needed to be raised. Solidarity among all women was a prerequisite for leading a successful struggle for women's equal rights.

General questions

511. In reply to a question on the National Institute for Women, the representative said that the institute had not yet been established. The National Directorate for Women was still part of the Ministry of Social Welfare. There was strong opposition to the setting up of an independent national machinery for the advancement of women, in order not to weaken the Ministry. The representative informed the Committee about a hot line pilot project for women that had been warmly welcomed by women in Ecuador. Many women called and reported on cases of sexual abuse and violence. Although there was no political support from the National Directorate for Women, that project, which could only function with outside assistance, was very successful.

512. Regarding the National Development Plan for 1988-1992, which devoted a whole chapter to women, there had been no assessment of its implementation. No statistical data and consequent evaluation had been provided.

513. Asked whether more information could be given on the areas of competence and the activities of the Parliamentary Committee for Women, Children and the Family, the representative stated that the Committee, which was not permanent, had introduced all of the legal amendments that had received support from the Government, in particular, the Code of Family Law, since no definition of the family had existed prior to the introduction of the Code.

Questions related to specific articles

Article 2

514. With reference to the status of approved legislative changes and draft laws, the representative replied that there had indeed been more proposals for legal changes than reforms accomplished. The delay in promulgating the laws could be attributed to the mandatory respect for the agenda of the Congress, where discussions in recent years had focused on political and economic issues.

515. She mentioned the legal reforms contained in the reform of the Civil Code, which had been put into force within law 43 in 1989. Those reforms contained important improvements: recognition of the juridical equality of women and men in marriage; administration of joint estates; responsible and joint parenthood of the spouses; marital obligations and the termination of marriage. The changes in the articles related to marriage had encountered considerable resistance, including opposition from women.

516. The representative reported on a number of other legal amendments, including the introduction of the Code of Family Law. Another proposal was for the establishment of family judges and of accelerated oral and summary proceedings. The Electoral Law was still under debate, since no agreement could be reached on the suggested quota of 25 per cent of women to be included on the electoral lists of political parties. That amendment was contested in the sense that it contradicted democratic procedures. Further resistance was expressed to the idea that 10 per cent of State funds allotted to political parties should be used for the political training of women. The law on complimentary nutrition was meant to give rights to abandoned women who could not provide for their children without their husband's support. According to the proposed law, fathers who did not pay support for their children for two months would be imprisoned for eight months. That proposal, which was not included in the Code of Family Law, had been rejected. The law on the reform of the Code of Civil Procedure dealing with the special retirement benefits for women passed but,

owing to the lack of liquidity in the social security fund, payments were not assured. A draft law on giving special retirement benefits to women who had been in formal employment for 25 years and were mothers of five children was not adopted. A law on the registration of a child born out of wedlock under its father's name was unanimously rejected. That reform would have given legal recognition to children born out of wedlock without entitling them to support by the father or inheritance rights. It would have devolved upon the father to prove that he was not the father. Public reaction to the proposal had been fierce; women were accused of being prostitutes searching for fathers for their illegal children. Another draft law in favour of an obligatory yearly examination for uterine cervical cancer, to be undertaken by the employers, was rejected because of the costs involved.

517. The representative stated that under another draft legal provision, concerning domestic violence, women would be enabled to take legal action against their relatives. In criminal law, the provision that women be more severely treated than men for the offence of adultery had been abolished, although adultery remained a cause for divorce in the civil code. If a spouse was found in flagrante delicto, no charges were brought against a person inflicting harm on the spouse.

518. The Committee questioned the importance attached to the father's name, which had nothing to do with paternity.

519. Members reminded the representative that in ratifying the Convention without reservation Ecuador had made a commitment to make its national laws comply with the Convention. Parliament and Congress had the responsibility for achieving compliance and were obliged to implement the Convention. The Convention on the Elimination of All Forms of Discrimination against Women should not be considered a second class convention requiring less persistence. Members expressed their concern that a third periodic report of a State party still contained only drafts of legislative reforms.

520. The representative was asked to transmit the concerns of the Committee to the Government, which was responsible for protecting the rights of all women in the country. Members expressed the hope that the country would immediately conduct a systematic review of national law and make it conform to the Convention. The Committee said that it might ask for a specific report on legislative changes, which should be presented at a set time. The Committee expressed its full support for the endeavours undertaken to introduce legal amendments. If the country required advisory services and technical assistance for that purpose, as others had done before and as suggested in the plan of activities of the Centre for Human Rights for the implementation of the Vienna Declaration and Programme of Action, the Committee would seriously consider that request.

Article 4

521. The representative regretted to report that no laws or measures "of positive discrimination in favour of women" had been taken by the State aside from the one mentioned on the protection of pregnant female workers.

522. In additional comments, members expressed concern that the Constitution of the country did not allow temporary specific measures as provided in the Convention.

Article 5

523. In reply to a question on the success of programmes aimed at promoting change of attitudes of men and women, the representative referred to Ecuadorian law, which was based on Roman law and gave the patria potestad the leading role in law and in reality. Discrimination against and subordination of women formed part of the patriarchy, which rested on the principle of a division of labour. Greater awareness of stereotyped gender roles and cultural obstacles to the elimination of discrimination against women was needed. As long as stereotyped roles persisted in education and mothers encouraged their sons to adopt macho attitudes whereas girls were brought up to be docile and obedient, no change was imminent.

524. In additional comments, the Committee noted the prevailing attitude of machismo in the country, which affected women in all walks of life and expressed itself also in violence against women, which was largely accepted. Members emphasized that attitudes and behaviour could be changed if there was political will and broad support. It was hoped that the subsequent report would contain information on this issue.

Article 6

525. In reply to a question related to the problems of prostitutes and whether the interest of the National Directorate for Women and its social rehabilitation programmes had resulted in any specific measures or studies, the representative replied that two associations of prostitutes had been formed which called themselves "associations of free working women". Their first congress had been held in November 1993 and had brought together women of all ages and from different regions of the country in an atmosphere of solidarity. The representative pointed out that prostitution in Ecuador was not an offence. Owing to double standards, prostitution in a brothel was allowed, but not prostitution in the streets.

526. Concerning the HIV/AIDS pandemic, she stated that prostitutes were regularly screened for infection. Prostitutes that had contracted the HIV/AIDS virus were badly treated by the authorities and there had been many negative articles in the media on street prostitutes discovered to be HIV-positive.

527. In additional comments, experts noted that prostitutes with HIV/AIDS infection were the first patients to require compulsory medical care, regardless of how and where they had been infected.

Article 7

528. Asked whether there had been any law or measure designed to increase the number of women in the Parliament and in the Executive branch, the representative replied that no such measure had been taken. No political party had encouraged female participation through a quota system or by any other means.

529. However, a number of women had been assigned to high-level positions. The president of the Monetary Association and the Minister for Education were women. There were three women secretaries of state and five women deputies in Parliament.

530. In an additional comment, the Committee noted that the example of Ecuador showed how important it was to have more women at the decision-making level to

achieve qualitative and quantitative change. Resistance in the Government to legal reform had increased because there had been little support for the reform within the legislative bodies. Endorsement of the legal reform process also had to come from the highest executive level.

Article 10

531. Concerning the illiteracy rate, the representative stated that the figures were still high although a governmental literacy campaign, carried out four to five years earlier, had been very successful and had decreased female illiteracy from 60 per cent to 38 per cent. That campaign had been undertaken with the direct collaboration of secondary educational establishments in particular, as well as the National Directorate for Women. No measures had been taken to reduce the school drop-out rate for girls, particularly in the rural areas. With regard to modifying the sexist content of curricula and textbooks, the representative reported that that reform was being carried out. A teacher training programme also existed along those lines. No statistics broken down by sex were available on the receipt by women of educational awards or on their integration in the ranks of administration in higher education. One positive development, however, was that a women had recently been appointed Minister for Education.

Article 11

532. The representative informed the Committee that men and women had equality of access to all occupational training programmes. Asked whether women had recourse to the courts or any other tribunal when they suffered discrimination in their work, the representative replied that very few cases of discrimination were taken to court. Male and female workers could have recourse to the courts, but there were no legal provisions on discrimination.

533. The legal minimum age to enter the labour market was 12 years; no distinction was made between girls and boys. The labour law prevented the exploitation of minors. The Code for Minors did not allow children to work in jobs that deprived them of their normal development. In general, however, child labour was not prohibited and hundreds of children could be seen working in the street and thus contributing to family income.

Article 12

534. On the question whether measures had been developed that would improve the situation of rural women in particular, the representative replied that only the Ministry of Agriculture was managing a project for women in rural areas, which unfortunately could not be implemented because of flooding. There were no projects to improve the rural hygiene situation, which was very bad. In particular, access to safe drinking water was unavailable in many areas.

Article 14

535. The representative was asked about the participation of women in the preparation and implementation of development plans generally, and in agriculture in particular. In general, women in Ecuador took part in the elaboration of development programmes and policies, but their presence in public life was still very small and insignificant. However, women did not really shape the future of the country and their contributions were not always recognized by the changing Governments.

Concluding comments of the Committee

Positive aspects

536. The Committee congratulated the representative of the Government of Ecuador on the timely submission of the reports, which gave a clear and frank description of the current difficult situation in the country, particularly for women.

537. While congratulating Ecuador on having ratified the Convention on 9 November 1981 without any reservation, the experts of the Committee noted that not all legislation had been brought into line with the Convention.

538. They congratulated the Government of Ecuador on its successful literacy campaign and the development of legislation which had made it possible to overcome some forms of discrimination.

Principal subjects of concern

539. They expressed deep concern at the serious discriminatory conditions affecting Ecuadorian women and regret at the steady reduction in the capacities of the agency concerned, the National Directorate for Women of the Ministry of Social Welfare, as demonstrated by the fact that, over the past three years, officials had held only provisional appointments and had lacked any support. The Directorate was short of economic resources, enjoyed little political support and had only very limited capacity in terms of coordinating programmes with other bodies. The fact that the few programmes it operated were dependent on international cooperation resources was a cause for concern.

540. The members of the Committee emphasized the fact that, despite the country's current economic problems, initiatives could be developed in favour of equality at minimal expense, and indeed must be developed. An analysis of the report submitted showed that legislation was still marked by serious discriminatory features; customs tended to stereotype gender roles in a way that was detrimental to the advancement of Ecuadorian women; and State initiatives, far from expanding, had undergone a serious decline. Those factors combined to create an extremely serious situation with regard to the human rights violations addressed in the Convention.

Suggestions and recommendations

541. The Committee called for the implementation of fundamental legal reforms to eliminate legislation discriminating against women and to promote their advancement. It therefore requested that the Government take the appropriate measures and report on progress made in that regard in the next periodic report.

542. It recommended that the Government strengthen the national agency for women in political, administrative and financial terms, upgrade its status and give it the capacity to coordinate initiatives for the advancement of women.

543. Every effort should be made to guarantee the basic services required to ensure the survival of women in the most vulnerable categories. Programmes should be developed to promote awareness among Ecuadorian men and women of the need to modify cultural values which perpetuate discrimination in any form.

544. The Government should pay particular attention to preventing and punishing violence against women.

545. The Government should consider the possibility of bringing together women active in non-governmental organizations, political parties and grass-roots movements, academic women and whomever else it might deem appropriate. They could then join in a coherent national effort to deal with this critical situation, the solution of which would, to a great extent, depend on women's solidarity and determination to bring about changes.

## Japan

546. The Committee considered the second and third periodic reports of Japan (CEDAW/C/JPN/2 and CEDAW/C/JPN/3) at its 248th and 249th meetings, on 27 and 28 January (see CEDAW/C/SR.248 and 249).

547. In presenting the report, the representative of Japan underlined the importance that her Government attached to the monitoring role of the Committee and pointed out that the change in government in her country in August 1993 had led to epoch-making changes with respect to the status of women, in particular with regard to the participation of women in policy decision-making in various fields. As examples she mentioned the appointment of three women Cabinet ministers, of a woman as Supreme Court justice for the first time ever and of the first woman Speaker of the House of Representatives. Copies of the two reports had been widely distributed among members of the Diet, political parties, major women's organizations and journalists. In drafting the third reports, views of non-governmental organizations were also taken into account and the Advisory Council to the Prime Minister had been consulted.

548. The main features of the current situation of women in Japan were the progressive ageing of the female population, a decrease in the number of births, a trend towards higher educational attainment, the tendency of women to marry at a later age and an increase in the number of working women. Women occupied prominent positions in the Administration, the judiciary and the legislature. The rate of female membership in the Diet was 6.8 per cent and in national advisory bodies it was 10.7 per cent. The proportion of women filling managerial posts in the public and private sectors had also been increasing. The representative highlighted the major achievements since the consideration of Japan's initial report in the areas of education, employment and agriculture. She spoke of the plans for enhancing the authority of the national machinery by raising its membership to the ministerial level and appointing an Equal Participation Coordinator with the rank of Director-General in every ministry and agency.

549. Harmonization of work and family responsibility was of great importance to attaining de facto equality. That was why the Child-care Leave Law had been put into force and subsidies given to employers to set up and run child-care facilities. In the Japanese civil service women were free to take entrance examinations in every job category. In 1989 Japan had revised the rules as to which country's laws applied in private international law cases, so as to establish full equality of the sexes before the law with respect to international marriages and adoptions. She explained that since January 1991 the provisions in the Civil Code regarding marriage and divorce had been in the process of being reviewed. Local governments had been very active in promoting measures relating to women since the ratification of the Convention and the community of non-governmental organizations was very active in Japan. The representative said that de jure equality had almost been attained; however, customs deeply rooted in stereotypes and the poor representation of women in the decision-making process prevented women from achieving full de facto equality.

General observations

550. Members congratulated the Government for the progress made in advancing the status of women, especially with regard to the big strides made in a short time, considering the very traditional nature of the society. They commended the authors of the two reports for having followed the Committee's guidelines and for having replied in the second report to the questions that had not been answered during the consideration of the initial report.

551. Regarding the remaining obstacles that still limited the advancement of women, the representative mentioned stereotypes about the roles of women and men in all spheres of life as the principal cause of persistent problems. A major barrier to the participation of women in economic life was insufficient support for the reconciliation of work and family responsibilities. It was, of course, not possible to change the attitudes of people in a short time.

552. In additional comments members commended the extensive replies given to the questions prepared by the pre-session Working Group and they appreciated the fact that in the preparation of the report non-governmental organizations had been consulted. Members acknowledged having received a large number of counter-reports from non-governmental organizations. That proved the democratic attitude of the Government and showed that women in Japan were mobilizing themselves. However, members felt that the Government should be more attentive to observations made by non-governmental organizations, in particular with regard to the personnel management systems affecting women's employment, and the issues of violence against women and prostitution.

553. Members considered that the status of women in Japan was not commensurate with the level of economic development of the country. Women had made a valuable contribution to the country's economic success without having been given an adequate position in all spheres of life. Yet, in the current recession, they were the first ones to suffer. Given the opportunity, women would make a significant contribution to the political, social and cultural development of their country.

554. Regarding the reports, members felt that they referred only to the positive changes. Although they contained much valuable statistical data, there was no analysis of the obstacles to the advancement of women. It would have been appreciated if the Government had prepared its third report after the Committee's session and had taken the Committee's comments into consideration.

555. It was said that the Government, as a large donor country, ought to direct its official development assistance towards helping to enhance the status of women in recipient countries.

556. In concluding, the representative said that she would convey all the comments made by members of the Committee to the Government in an effort to improve the situation.

Questions related to specific articles

Article 2

557. Asked about instances of discrimination against women and the legislative and other measures that had been taken to put an end to such discrimination, the representative enumerated five instances: the obligation for women to retire at an earlier age than men; the provision of dormitory housing for men, but not for

women; the exclusion of women workers from training programmes at factories; the recruitment of men as regular, but women as temporary, employees; and the promotion of men over women in identical positions despite shorter records of service. In all those instances, appropriate judicial and administrative measures had been taken to correct the injustices. In other cases, such as complaints that only men were recruited for positions requiring technical skills, that women were not promoted on an equal basis with men and that in the area of recruitment there was discriminatory treatment of female students as a result of the recession currently gripping Japan, discriminatory treatment continued. The Equal Employment Opportunity Law and the Labour Standards Law were currently under review with a view to achieving equal employment opportunity and treatment for men and women.

558. There were also instances of discriminatory customs and practices in areas other than employment owing to stereotypes regarding gender roles; however, their number was declining.

559. In reply to the question whether the law relating to equal opportunity provided penalties, the representative stated that gender-based wage discrimination was a punishable offence. Breaches of equal opportunity and treatment in private-sector employment, except for wages, were dealt with through administrative guidance following investigations made by the Ministry of Labour. In additional comments, members said that the Equal Employment Opportunity Law should provide sanctions in all cases of breaches of the law.

560. Asked about the possibility for women to have recourse to the courts or other tribunals if their rights were infringed, the representative said that anyone might have recourse to the courts to assert rights granted to them under the law. The public service laws provided for imprisonment or fines in cases of discriminatory treatment and any public employee who had been subjected to discriminatory treatment might lodge a complaint or institute a lawsuit.

Article 3

561. Asked whether the National Women's Education Centre offered courses to prepare women for public office, the representative replied that the Centre contributed to the promotion of women's education by organizing practical training courses and conducting research. There were no courses to prepare women for public office, but the goal was to empower women and promote their participation in public life.

562. Regarding the types of studies and diplomas offered at the Open University, the representative said that the university's Faculty of Liberal Arts offered courses in science in daily life, industrial studies, social studies, humanities and natural sciences, after which a bachelor's degree in liberal arts could be conferred upon graduation.

563. Members commended the Government's intention to strengthen the national machinery and asked whether thought had been given to setting up the office of equality ombudsman. They requested information in the subsequent report on the policies that were pursued to fulfil the targets set for the advancement of women.

564. Members suggested that more attention should be paid to policy measures regarding the status of disabled women and single mothers.

Article 4

565. Regarding the system of reintegration of women employees into the workforce, the representative stated that women who resigned from work because of pregnancy, childbirth or child care could opt to be re-employed. The Ministry of Labour provided a system of grants to employers that adopted and met certain conditions and promoted a comprehensive support plan for the reconciliation of work and child care through the dissemination of information, educational activities, child-care leave, reduced working hours, advice and guidance to enterprises. Since 1988, the proportion of firms that had adopted that plan had increased to 19.7 per cent. One of the reasons for the low percentage was the fear of some firms that they would incur extra expenses in upgrading the skills of returning workers, in addition to the financial difficulties brought on by the current recession.

566. In reply to questions regarding single-parent families, the representative said that households headed by a single mother, irrespective of her marital status, received loans, counselling, a survivor's pension, a child-rearing allowance and at-home care, and could also obtain night-time child care. Additional special allowances included the payment of a vocational training allowance and the payment of travel expenses.

567. Regarding the Week of the Women, the representative explained that no records were kept on the number of participants, but most of them were middle-aged or older women and, recently, a growing number of men. Efforts were being undertaken to increase the number of younger participants and of men. Other efforts to raise consciousness included the Equal Employment Opportunity Month and a panel meeting to solve problems arising from stereotypes and to improve the social environment through wide dissemination of the meeting's proposals.

568. In additional comments, members expressed the view that not enough use had been made of affirmative action, such as the setting of quotas. The question was raised whether special temporary measures had been adopted to help in the employment of young women during the economic recession.

Article 5

569. Within the framework of the New Plan of Action to the Year 2000, one of the targets of which was to improve the popular understanding of equality between men and women, several ministries and agencies had undertaken consciousness-raising and public relations activities. The Ministry of Education had established a curriculum extending from elementary to high school which taught gender equality and understanding. Partly as a result of those activities, ways of thinking had begun to change, as could be seen from a public opinion poll conducted in 1992. The representative supplemented that statement by some statistical data.

570. Asked about legal measures in relation to sexual harassment, the representative stated that no specific legal measures existed as yet. The most difficult task was to alter the consciousness of supervisors and male colleagues. The Ministry of Labour had established a study group to look into the problem, launched a campaign and started providing advice to women workers. In one specific case, the victim's boss and employer had to pay damages under a court order.

571. Regarding cases of domestic violence, the representative quoted statistical data compiled in 1992. Although there was no particular provision in the code

for the punishment of abuse or maltreatment of a spouse, the use of violence, infliction of bodily injury, confinement and rape were all criminal acts.

Article 6

572. In reply to the question what available information had led to the comment that there had been a decline in the number of arrests for prostitution-related crimes, the representative said that dealing with prostitution-related cases had become more difficult with the development of more sophisticated forms of prostitution, such as "dispatch prostitution".

573. There was no statistical record on the incidence of violence against prostitutes. Although it was illegal to be the client of a prostitute, there was no provision for punishment.

574. Regarding the question whether the Government had considered providing compensation to women who had been forced into prostitution, the representative said that official organizations never forced women into prostitution. Although the Government did not provide compensation to women who had been forced into prostitution by individuals or private organizations, persons who solicited in public for purposes of prostitution might be sent to the Women's Guidance Home, and girls and women in need of protection were provided with professional counselling, guidance and housing.

575. Asked about the provisions of the Anti-Prostitution Law, the representative said that the law stipulated that prostitution impaired human dignity, was contrary to sexual morality and corrupted the morals of society, and emphasized the illegal and anti-social character of prostitution. The purpose of the Act was to prevent, suppress and prohibit prostitution; however, only acts relating to the promotion of prostitution, not the acts of prostitution, were put under sanctions.

576. In additional comments, members observed that the report included very little information about cases of Asian women who had raised issues of exploitation against Japan. Reference was made to cases of sex tourism, the abuse of other Asian women in the Japanese sex industry, mail-order brides and the exploitation of women through forays of Japanese men into other Asian countries. The Government was urged to discourage sex tourism. Particular reference was made to the fate of women who had been forced into prostitution by Japanese men during the Second World War, often referred to as "comfort women". It was suggested by some members that the Government should pay overall compensation to the surviving victims without their having to go to court individually, and create a women's fund in memory of those who had died in the meantime, thus meeting its commitment to the women of Asia. They requested an explanation about the measures the Government was planning to take to assist those women.

577. It was said that the report did not provide enough data on prostitution, pornography, violence against women, exploitation of immigrant women, the shelter situation for battered women and the punishments for those offences. Members asked whether criminal gangs profited from the exploitation of women and whether geisha girls or hostesses were still common. They urged the Government to undertake a study on all of those issues and the underlying causes and report on the policy measures taken.

578. In addressing those concerns, the representative said that the Prime Minister had been asked to take stronger measures against organized

prostitution. The Government was trying to curb sex tourism through legal amendments that should forbid travel agents to arrange illegal acts for travellers. Any form of prostitution was illegal and the Government was intensifying efforts to protect the rights of foreign workers. Regarding the issue of "comfort women", a study had been undertaken in 1991 and when the findings had been made public in 1993, the Government had extended its apologies to all those who had suffered damage. The Government was considering how best to express its remorse.

Article 7

579. Members welcomed the appointment of female ministers and noted the Plan of Action of 1977 for increasing the number of women in executive bodies. Asked for clarification of the application of the Plan of Action, the representative said that one of its five basic targets was to achieve participation in society by men and women on an equal footing and one of the priority objectives was to promote women's participation in policy decision-making. The Government was seeking the cooperation of local governments, political organizations, labour unions and women's organizations in its task. To promote the participation of women in administration, the Government had set an initial overall target of 10 per cent. The Government had promoted the employment of women as public employees, reviewed the restrictions on women's participation in recruitment examinations for public service jobs, had in 1991 set a newly revised target rate for women in national advisory councils, to be raised to 15 per cent by the year 1995, and abolished all restrictions on women entering the regular national public service.

580. While commending the election of a woman as Speaker of the House of Representatives, members inquired about the reasons for the continuing low percentage of women members of Parliament and the small increase in the number of women in national advisory bodies and in local government. The representative stated that the stereotypes concerning the roles of men and women in society and the short history of women's participation in political life were contributing reasons for the situation. The expansion of women's participation in policy decision-making was one of the priorities of the New Plan of Action. More specifically, the low number of women in national advisory bodies was related to the small number of women who held senior public posts and were in leadership positions. Therefore, the national machinery asked that more women candidates be recommended to advisory councils and be promoted in their own organizations. The low number of women in local government was explained by the low number of women who played active roles, held high positions or had the necessary knowledge or qualifications.

581. Asked about the rate of participation of women at the upper levels in political parties, the representative said that the percentages varied from 1.2 to 18.1 per cent. Their membership varied from 6.1 to 44.8 per cent. The proportion of female trade union members stood at 28.2 per cent in 1993.

582. Regarding the enrolment figure of women in the National Defence Academy, the representative said that, with a total of 71 female students, women had accounted for 7.5 per cent of the total number of students since 1992.

583. In additional comments, members urged the Government to take specific steps to improve the status of women in positions of power and decision-making.

Article 8

584. Asked about the number of women filling diplomatic posts, the representative stated that in 1993 14.8 per cent of the officials in the Ministry of Foreign Affairs were women. Of the candidates who had passed the Foreign Service Specialist Officer Examination in 1993, more than half had been women. There were four women ambassadors. Members suggested that the subsequent report give information on the percentage of female ambassadors and women holding posts in international organizations.

Article 10

585. Members inquired whether the reasons for the somewhat more optimistic view regarding the percentages of girls studying non-traditional subjects during the period covered by the third periodic report were the result of any particular strategies. The representative said that women had been participating in a greater variety of fields of study as a result of changes in attitudes about gender. The Ministry of Education was trying to develop awareness of the equality of men and women at each grade level in elementary and secondary schools and guidance counsellors were encouraging students to select courses of study free of any preconceived notion about gender suitability.

586. Asked for clarification concerning the "open courses" and specialized education, the representative explained that university extension courses provided learning opportunities to adult citizens in various fields. The courses were open to everyone. The open courses provided opportunities to gain specialized knowledge and vocational skills about daily life and current issues. More than half of the participants were women.

587. Regarding any plans to reform the curriculum in order to expand the subjects offered at all levels, the representative stated that after the reform of 1989, the national curriculum for both elementary and secondary education became the same. Home economics was mandatory for all students at the upper secondary school level and industrial arts and home-making had to be taken by both boys and girls at the lower secondary school level.

588. Members noted the women's studies programme offered by the National Women's Education Centre and commended the attempt to introduce comparative international information through seminars as beneficial to Japanese women.

589. Regarding consciousness-raising about gender equality and the corresponding training of teachers, the representative said that the Ministry of Education attempted to give teachers sufficient information about gender equality by holding curriculum classes for each area or prefecture.

590. In additional comments members expressed appreciation for the changes made but said that the reversal of stereotyping in the education system and in the media needed to be extended. Attitudes needed to be changed at an early age and great importance should be attached to the sex education of children.

Article 11

591. Members asked whether the principle of equal pay for work of equal value was being considered and what procedures existed for the settlement of disputes concerning remuneration. The representative explained that the data supplied in the reports did not permit a comparison of average remuneration of men and women. The main factors accounting for a difference in the average remuneration

of men and women were seniority, the occupation of the employee and the type of industry in which they worked. The Government was trying to strengthen measures to promote the compatibility of work and family responsibilities and to ensure equal opportunity and treatment, in order to narrow the remuneration gap. In addition, the Government had published guidebooks for students to encourage them to consider occupations other than those traditionally taken up by women, and was also organizing meetings to discuss ways of utilizing women's abilities in all fields. Labour standards inspectors supervised the observance of ILO Convention No. 100 concerning equal pay for equal work for men and women whenever a complaint was filed and also when a violation was revealed as a result of an inspection. In many cases damages had been awarded as a result of lawsuits.

592. Remuneration consisted of the basic wages and allowances. Under the Japanese wage system, it was difficult to apply the concept of equal pay for work of equal value or evaluation systems based on gender-neutral criteria, as contained in the Committee's general recommendation 13.

593. Asked whether the Labour Standards Law also dealt with health and safety rules at the workplace and what sanctions were provided for violations of the law, the representative said that issues of safety and health at the workplace were addressed by the Industrial Safety and Health Law, according to which the employer had to ensure the safety and health of workers by establishing a comfortable working environment and improving working conditions in addition to complying with minimum standards. The sanctions were imprisonment or fines.

594. Regarding the type of protection that was afforded to women in agricultural, forestry or fishing industries and the problems that they encountered in ensuring the economic well-being of their families, the representative said that since only 7 per cent of the women working in those branches of industry were employees, the rest being self-employed or family workers, safety measures and working conditions tended to be poorly controlled. However, the competent ministry undertook several measures to improve conditions, such as consciousness-raising and training activities, mutual labour assistance programmes and the establishment of model farms. Female workers in those fields of industry were protected by the relevant labour laws just like female employees in other industries. The major difficulties for those women were to balance their occupational with their household responsibilities and to cope with the undefined role of women in those operations. The ministry provided education through homelife-improvement extension programmes and promoted the reaching of household agreements on the roles and situations of family members, since in those occupations the male head of household was mostly the decision maker and other family members provided the labour.

595. Asked about the rate of unemployment among women and any assistance provided to ensure minimum living standards for their families, the representative said that owing to the prolonged recession the unemployment rate was rising for both men and women. It stood at 2.8 per cent in November 1993. Unemployment benefits ensured a minimum living standard and were provided regardless of sex for a limited period of time, depending on age and length of previous employment. The Government was currently trying to devise effective employment measures.

596. Regarding a question about the pension systems in the public and in the private sector and the differences between them the representative explained that the national pension schemes provided basic pensions for all. Salaried workers in the private sector were automatically insured under the Employees' Pension Insurance and persons working in the national and local government were covered by the Mutual Aid Association. As the coverage differed in the various schemes, the Government was planning to unify the public pension schemes by 1995.

597. With reference to the current status of the family-care leave scheme, the representative said that the number of firms that had introduced the scheme was gradually increasing. The guidelines issued by the Ministry of Labour described the minimum conditions applicable to permit a worker to take leave to care for a family member, such as duration and gender equality, and contained a list of the persons for whose care leave might be taken. The employee should also be given the choice between taking such leave or making use of such measures as flex-time or staggered working hours. The guidelines had been widely disseminated and were being adopted by many firms; however, the family-care leave scheme had not become law as yet.

598. In additional comments, members appreciated the progress in the employment of women but said that much more needed to be done in areas such as equal employment opportunity, part-time employment and wage disparity. Members observed that the principle of equal pay for equal work had not been complied with, since according to their information women received only 40 per cent of men's wages. They asked what practical measures the Government was considering to improve the situation. Members referred to similar comments that had been made during the presentation of the initial report. Members felt that women in Japan seemed to be subjected to indirect discrimination through the separate personnel management track systems practised by private companies. Such practices needed to be prosecuted just as much as those involving direct discrimination and measures should be taken to make private firms comply fully with the law. The question was raised whether the Government had an understanding of the concept of indirect discrimination, of which such separate track systems were an example; the Government was urged to include that concept when reforming the Equal Employment Opportunity Act. Questions were raised as to who paid for child-care leave, the Government or the employer, and the kind of obstacles men faced in taking such leave. When women re-entered the labour market, mechanisms should exist to prevent their being forced into part-time employment. Members said that Japanese companies did not make full use of women's skills and capabilities.

599. Asked about measures to improve the status of part-time workers, the representative said that part-time workers were covered by the Labour Standards Law, which set minimum labour standards. In order to improve their welfare and working conditions, the Law Concerning the Improvement of Employment Management of Part-time Workers had been enacted and put into force in 1993. A number of measures had been taken on the basis of that law, and efforts in that direction were expected to intensify.

600. With reference to the Japanese wage system, which is based on seniority, the representative said that it was not discriminatory towards women because of the child-care system. The provision of vocational training for women who re-entered the labour market was paramount.

601. Members asked whether measures had been taken to reduce the working week to 40 hours in order to strengthen the family.

Article 12

602. In the course of additional questions raised, members asked whether there was a nationally organized screening programme for cervical and breast cancer.

603. Members referred to the medical tests that were mandatory for women serving in private bath houses. The fact that they were not informed of the results constituted a violation of human rights.

Article 14

604. In referring to the status of rural women, members said that particular attention should be paid to them as their traditions were usually the strongest and progress difficult to achieve. Special programmes should be designed to involve rural women in decision-making.

Article 16

605. Members observed that very little information had been supplied in the reports relating to the reform of the Civil Code intended to improve the status of women and children in the family and asked for clarification of the current legal situation of women in the family. The representative said that a national advisory commission had started reviewing the provisions concerning marriage and divorce under the Civil Code. An interim report had been published in 1992 and through mid-May, the views of the public and the courts had been solicited until mid-May 1993. On the basis of those views, the deliberations on the relevant issues were still ongoing.

606. In additional comments, members referred to discriminatory practices relating to marriage and family relations, such as those regarding the prohibition against women remarrying within a certain period and children born out of wedlock. Greater consideration should also be given to the elderly female population and, following related research, information should be provided on policy measures and programmes. Members asked also when the ongoing review of the Civil Code would be finished and what the reasons for the recent increase in the divorce rate were. Members stressed the need to address rigid gender-role stereotypes in the family and to increase male participation in family life.

607. The Committee deferred its concluding comments on the reports of Japan until its fourteenth session.

## New Zealand

608. The Committee considered the second periodic report of New Zealand (CEDAW/C/NZL/2 and Add.1) at its 243rd meeting, on 25 January (see CEDAW/C/SR.243).

609. In presenting the report, the representative of New Zealand stated that the Government took its responsibility to the Committee very seriously and had endeavoured to prepare a report showing an accurate picture of the situation of New Zealand women.

610. The representative noted that her country had just celebrated the centennial of women's suffrage. New Zealand had been the first self-governing country in the world to give women the right to vote. The celebrations to mark the occasion had involved the extensive participation of the Government and women's organizations. The event provided an opportunity to assess the current position of women and to consider what was needed to be done to achieve true equality. She noted further that 1993 had been the International Year of the World's Indigenous People, and said that many of the events connected with the suffrage celebrations had picked up the theme of indigenous women.

611. Her country had withdrawn its reservation concerning the employment of women in underground mines. However, while women's employment in the armed forces had increased, the country was not yet in a position to remove its reservation concerning women in the armed forces. New Zealand also maintained its reservation on paid maternity leave. The Government regarded payment for maternity leave as a matter for negotiation between the parties to an employment contract.

612. The Government had passed a new Human Rights Act in 1993, extending the grounds of prohibited discrimination. Its grounds would now cover gender issues, including pregnancy, childbirth, sexual harassment, marital and family status, sexual orientation, disability, age, race, religion, employment status and political opinion. The Act would come into force in 1994. The country's Human Rights Commission had also been granted more funds to carry out its enhanced duties.

613. The country had been undergoing a process of economic and social reform aimed at revitalizing the economy. To reverse the imbalances created by past policies of insulation and agricultural protectionism, the economy had been extensively deregulated, agricultural subsidies had been abolished, import and foreign exchange controls relaxed, tariff barriers reduced and State assets sold or corporatized. While the reforms had brought hardships, the ultimate purpose of those measures was to enhance living standards on the basis of sustainable economic growth.

614. In response to a question on the impact of structural adjustment programmes on women, the representative said that a poorly performing economy would not help women in the long term, either economically or socially, hence the need for reform. She acknowledged the pressures many New Zealanders experienced during the period of structural adjustment, but said that the positive effects were beginning to be seen. There were clear indications that the country was now on track for sustained and sustainable growth. Some of the reforms had focused on the country's welfare system, which still remained one of the most generous in the world. There had been no reduction in spending on either education or health.

615. The Committee noted the possible adverse effects of structural adjustment on women and asked whether a study on those effects had been conducted.

616. Referring to the role of the Ministry of Women's Affairs and non-governmental organizations since the last report, the representative informed the Committee that the Ministry was regarded as a key policy agency involved in most major policy developments. She also acknowledged the important role that non-governmental organizations had played throughout the country's history.

617. The representative noted a number of long-term trends affecting women, including changes in family structure; the increased participation of women in the workforce, of which women made up 43 per cent; the greater number of women who had established their own businesses; the increased participation of women in the traditional male professions; and greater numbers of women in public life, including the appointment of the first female High Court judge, in 1993. The representative noted that women's average remuneration remained less than men's.

618. Particular concerns included the growth in single-parent households, most of which were headed by women and had less income because of their relatively lower participation rate in paid employment, and the number of ageing women. Most people over the age of 75 were women, most of whom derived a high proportion of their income from State-funded superannuation payments.

619. With respect to violence, she observed that the issue had been of public concern for a number of years and that the reduction of violence was a priority for the Government. Measures to reduce and prevent violence included the setting up of family violence prevention networks, rape crisis centres and men's non-violence support groups. New legislation had been passed that took a stronger approach to the control of pornography, providing for censorship to be based on the actual or likely harm to be caused by a particular material. It removed the distinction between the public and private use of pornographic materials and imposed greater restrictions on such materials.

620. The representative stated that women's health was a key issue. She noted that cervical cancer, identified as a preventable disease, had been killing over 100 women a year. A national cervical screening programme had been established, which had a particular emphasis on the Maori and Pacific Island women. Breast cancer was also being addressed. The improvement in health services for Maori women had also been emphasized. Attempts had been made, with some success, to encourage healthy lifestyles and to reduce the high incidence of smoking among Maori women.

621. Another positive development among Maori women had been their increased participation in the business sector. Their rate of growth in establishing their own businesses was faster than that of Maori men or any non-Maori New Zealanders, although they started from a lower baseline. Various initiatives had been launched to encourage Maori women to take a role in business and to develop further their entrepreneurial skills, including the Wahine Pakari programme and the establishment of the Maori Women's Development Fund.

622. State-funded Maori immersion education had been provided, and the Government was committed to continuing financial support for the programme.

623. The Government had set up a steering committee to prepare for the Year of the Family. It would be used as a spur to improve parenting skills in the society and for the improvement of the care of the elderly and children.

624. In introducing the report of Niue, a self-governing State in free association with New Zealand, the representative reported that Niue had unrestricted legislative competence regarding the rights set out in the Convention. Women had made significant strides in public life as well as in male-dominated occupations. Niue was a full member of UNESCO and was seeking membership in WHO.

625. Regarding Tokelau, New Zealand's last remaining non-self-governing territory, the representative said that the constitutional changes currently being implemented would continue the process whereby Tokelau, at its own pace, would assume greater control of its own affairs, including the manner in which rights accorded to Tokelauans under the Convention would be protected.

General observations

626. Members of the Committee indicated their general satisfaction with the report, its presentation, its comprehensiveness and the information contained therein. Concern was expressed about the remaining reservations on women in the armed forces and on paid maternity leave in a country where there was such a large number of women in the workforce.

627. The view was expressed that, although it was gratifying to note that the machinery for women's affairs was well established and that it had an increased budget, information was needed on the existence of local machinery.

General questions

628. In response to a question on the extent to which there was consultation with non-governmental organizations in the preparation of the report, the representative said that such organizations were involved at all stages of the process, with involvement on the part of organizations of Maori women.

629. The Committee took note of the reports of Niue and Tokelau contained in the annexes to the New Zealand report and asked if these were the only States associated with New Zealand. If they were not, the Committee asked why reports from other States had not been submitted. In response, the representative said that when New Zealand had ratified the Convention in 1985, in accordance with the practice at the time, that ratification had also been extended - with their agreement - to Niue, Tokelau and the Cook Islands. The Cook Islands, like Niue, was a self-governing State in free association with New Zealand and was therefore responsible for implementing the obligations under the Convention. The Cook Islands was aware of its responsibilities, but with only limited resources it had been unable to complete its report in time for the present session and would be submitting its report as soon as possible.

630. In response to the question whether New Zealand had provided technical assistance to the Cook Islands in the preparation of its report, the representative noted that assistance had been given for the text, but that the preparation of the report was considered by the Government of the Cook Islands to be its own responsibility.

Questions related to specific articles

Article 2

631. Members asked about an apparent discrepancy between the reservation on maternity leave with pay and various legislative measures to prohibit discrimination, such as the new Human Rights Act.

632. The additional question was raised whether the Ministry of Women's Affairs and the trade unions had taken up the issue of women's rights regarding paid maternity leave. The representative explained that the Government considered that payment for maternity leave was a matter for negotiation between the parties to an employment contract and therefore not subject to government direction. However, the provisions of the Parental Leave and Employment Protection Act provided for unpaid leave for parents in both the private and the public sectors, and employees could negotiate better terms and conditions for paid maternity leave. She noted that most women in the public sector were covered for six weeks' paid leave.

633. In response to a question about the basis for complaints taken to the Human Rights Commission and how those complaints were settled, the representative informed the Committee that marital status complaints made up 17 per cent of all complaints received. The majority of those involved access to credit and joint accounts. Such matters had been settled through mediation and had resulted in compensation and the revision of the policies of the private sector institutions involved. Allegations of sex discrimination, other than in the area of marital status, constituted over 70 per cent of the complaints taken to the Human Rights Commission, the majority being in the area of employment.

634. Replying to questions about differences in rates charged to men and women for insurance policies and whether that might adversely affect certain groups of women, the representative explained that the Human Rights Act exemption in respect to superannuation of life insurance was a result of the different life expectancies of women and men. Exemptions were only permitted when they were supported by actuarial or statistical data. On the average, given the different periods of contribution and the longer life span of women, men and women received the same total benefits from the plans.

635. In an additional question, it was asked why the Human Rights Act had left out political parties, private clubs and churches.

Article 4

636. Answering the question whether the centennial celebrations of women's suffrage and the related activities, including those financed by the Suffrage Centennial Year Trust Fund, had been evaluated, the representative observed that it was too early to evaluate the results of the suffrage centennial. A range of activities had been undertaken by the Government, in collaboration with non-governmental organizations, that included educational and research activities, international conferences, projects, television documentaries, films and books about women in the country, in addition to radio broadcasts and short snippets about women's lives, their achievements and history. Funds had been distributed to hundreds of projects throughout the country. The theme of the centennial had been "celebrating the past and challenging the future". It had provided an opportunity to assess the situation of women and to identify the next steps.

637. Replying to a question about the financial support provided to supplement training and the Wahine Pakari programme, the representative explained that financial support had increased eightfold over the last two years. She noted that upon completion of the six-week training course for training motivators, the graduates trained other women in their own communities and were paid to do so. There were other funding sources available from the Government.

638. In response to the question whether women's studies courses were well attended and available at academic institutions, the representative said that women's studies programmes were offered by some secondary schools and most universities and polytechnical institutions and they were usually fully subscribed.

Article 5

639. In answering a question regarding the effectiveness of "counter-sexist" teaching materials and the running of "counter-sexist" training courses, the representative affirmed the Government's commitment to gender-inclusiveness in all aspects of education policy and development and its goal of ensuring equality in educational opportunity by identifying and removing barriers to achievement. The Ministry of Education had developed strategies, including non-stereotypical role models and non-sexist language, but there had been no substantial long-term monitoring of the effectiveness of either the resources or the training courses. The material had been in use for nearly 20 years and had been greatly expanded and improved.

640. Replying to the question whether, in family education, prenatal and postnatal education had been extended nationwide, particularly to Maori women, the representative stated that a number of organizations, including Crown Health Enterprises, general practitioners, practical nurses and others, provided such education. There was some evidence that mainstream services were not well used by Maori women, who had a different profile from their non-Maori counterparts. That had led health-care authorities, Government departments and Maori women's groups to explore different ways of meeting the particular needs of Maori women. Examples of such initiatives included the Tipu Ora programme, which supported Maori women during pregnancy, and had resulted in a reduction in smoking, promotion of breast-feeding and a significant reduction in Maori infant cot deaths, the establishment of Whare Paruora health clinics, Government-funded research into new models for the delivery of prenatal and postnatal care to Maori families and Government funding for iwi (tribal) based health programmes.

641. Regarding a question about the response from women's groups to the enactment of the Films, Videos and Publications Classification Act in 1993, the representative explained that women's groups had been active in bringing about the changes in censorship legislation. The act, which would come into effect after the three existing censorship bodies were combined into a single office, would place greater restrictions on the availability of violent and pornographic material, introduce new controls on the displaying of the material and set penalties for the possession of banned materials. The representative said that some women's organizations had wished for the legislation to be more restrictive, but that all would agree that the changes represented a significant and positive shift in censorship policy.

642. Asked whether the cause of the increase in the number of abused women seeking protection in shelters had been investigated in the light of the preventive measures adopted by the Government, the representative indicated that that fact did not necessarily reflect an increase in violence, but rather an

increased awareness of the availability of sources of support for victims. Measures included an active arrest policy with respect to domestic violence, where all cases were treated in the same manner as assault attacks between strangers, so that arrests could be made without the victim having to press charges. The representative referred to research that had suggested that strategies for the reduction of family violence needed to address such issues as power and control, parenting and child-rearing practices, and social structural factors.

643. In reply to the additional question whether there was specific legislation on violence against women as opposed to random violence, the representative indicated that such legislation did exist.

644. Asked, further, whether the attitudes of men towards sharing domestic work had changed, the representative noted that men had to change their attitudes further.

Article 6

645. The representative informed the Committee about the response of the general public and women's groups to the increase in the spread of HIV. She observed that there was evidence that sex workers in New Zealand were relatively free of HIV/AIDS. The number of women infected with AIDS was as low as 17 out of the 48 HIV cases that were diagnosed in June 1993. The widespread use of condoms, predating the appearance of HIV/AIDS, was indicated as the factor contributing to the low incidence among sex workers. In addition, the representative indicated that women's groups had been concerned about the risks of late diagnosis of women infected with HIV/AIDS and had identified the need for information programmes that specifically addressed the issues of pregnancy and breast-feeding. Funds had been made available by the Government for education and sexual health programmes.

Article 7

646. In response to a question regarding the decreasing number of women in high executive positions, contrasted with the increase in the number of women in local government, the representative brought to the attention of the Committee figures that showed an increase in the number of women in Parliament since 1984. She noted that women had occupied various positions in the Cabinet since 1947. Women in New Zealand would be curious to see if the new electoral system based on proportional representation, adopted in 1993, would lead to further increases in representation. Women had always been more successful in local government. There were no definitive studies on why women were more successful at local levels. The theories that had been put forward claimed that women were attracted to local politics since they could combine official duties with their responsibilities at home.

647. In an additional question, further information was requested on obstacles to women obtaining high-level posts in politics.

Article 10

648. Replying to the question whether the closure of schools in rural areas, with a resulting inconvenience to rural families, coupled with the reduction of the education budget, had adversely affected poor people and those living in rural areas, the representative stated that, on the contrary, the expenditures on education had increased substantially during the past three years. It was

pointed out that a rural school closed only when the school roll fell below 10 students, that the Government provided transportation assistance from home to school, that no fees were charged for pre-tertiary schoolchildren receiving education by correspondence and that the Government supported rural studies through a range of other initiatives.

649. In response to a question about the declining number of Maori and Pacific Island girls entering higher education, as indicated in the report, the representative stated that there had been no such decline. The text of the report referred to the differing proportions of Maori and non-Maori females entering tertiary education directly from school. Maori students took a break and worked before they entered tertiary education. Between 1986 and 1991, the total number of Maori university students had more than doubled and more than half were women. The Government was pursuing strategies to improve the participation rates and attainment levels at all levels of education.

650. A number of members referred to a report, prepared by a non-governmental organization, which highlighted the problem of fee increases for tertiary institutions and their implications for women, and asked whether the relevant authorities were aware of those problems. In response, the representative stated that the Government had been committed to increasing the availability of tertiary education in a fiscally responsible way. Loans were available to students to cover fees and their living expenses, and they were not required to repay the loan until they were in the paid workforce. More women, at a more mature age, were entering tertiary education than in the past, their number doubling between 1988 and 1993. Women were moving towards equality in enrolment in science, and a comparable number of women and men were enrolled in veterinary science, medicine and dental surgery. There was an increased percentage of women graduates in medicine, natural sciences and engineering.

Article 11

651. In clarifying the reasons for the differences observed in unemployment rates among the female population in the different ethnic groups, the representative explained that the figures for unemployment in the female labour force in 1993 (21.4 per cent for Maori females, 19.8 per cent for Pacific Island females and 6.1 per cent for European females) represented a drop in the unemployment rates of the two first groups from 29.2 per cent and 25.6 per cent, respectively, in 1991. There was no single reason for the different rates of unemployment among ethnic groups. Contributing factors included the restructuring of the economy, which had led to a reduction in the number of unskilled jobs, a shift away from the manufacturing sector, and a lack of employment opportunities in regions where Maori and Pacific Island women were more concentrated, and lower levels of retention and attainment rates for Maori and Pacific Island girls in the education system. Education and training were vital for Maori and Pacific Island women, and the Government had a commitment to assist disadvantaged job seekers and to develop measures for people who had not received formal institutional education. In reply to the additional question whether changes in the industrial environment had reduced the bargaining power of trade unions, with a resultant adverse effect on women, the representative stated that current legislation continued the move from occupation-based to industry-based bargaining. The current legislation did not replace collective bargaining, but rather provided options for contract forms. The current law extended personal grievance provisions to all workers and now included sexual harassment as a basis for complaint.

652. In answering an additional question about the principle of equal pay for work of equal value, the representative indicated that a kit had been produced on gender-neutral job evaluation for use by large organizations.

653. It was asked whether the unemployment rate had led to an amendment in unemployment benefits and whether the six-month waiting period was still in force.

654. An additional question was why women were employed primarily in part-time jobs. Further explanations were requested.

Article 12

655. In providing additional information on the impact of the decentralization and restructuring of the health-care system and the effects of the changes on health care, the representative said that 80 per cent of total health expenditure was publicly funded and that the funding levels had been maintained during the economic recession. She added that the mechanisms for services had been restructured to improve access and effectiveness, while costs were contained. Area health boards had been replaced by four regional health authorities, which acted as purchasers of services for their population. In addition, a core national health advisory committee had been established to advise the Government on the services to be funded. The medium-term objectives for health services included improving the access of New Zealanders to health and disability services, improving the quality, effectiveness and efficiency of the services, and providing assistance to the poor. Under the restructured health system, women's access to services should be maintained and in some cases improved, particularly access for Maori women. Consumer choice and protection would be enhanced.

Article 14

656. It was asked why the pilot project on mammography had been restricted to an older age group.

657. Questioning the practice of the eldest son as the first choice for the inheritance of a family farm, the representative said that it was not a legal position, but was a practice in family farming. It was based on the perception that agriculture was a male occupation; increasingly, however, more women were farm managers in their own right, owners or full partners with their husbands.

Concluding comments of the Committee

Positive aspects

658. The Committee noted that the second periodic report of New Zealand indicated new developments in the area of the advancement of women which had occurred since the submission of the first report. Among those positive developments were:

(a) The withdrawal of some of the reservations introduced by New Zealand upon ratification of the Convention;

(b) The adoption of the new Human Rights Act which extended the area of prohibited discrimination to cover sex, including sexual harassment, marital and family status;

(c) The enactment of legislation in 1993 which attempted to curtail harmful material in the area of pornography;

(d) The implementation of many projects aimed at the enhancement of the status of women during the celebration of the centennial of women's suffrage;

(e) The establishment during those celebrations of a trust fund to foster projects that enhanced the status of women;

(f) The close cooperation between the Government and the non-governmental organizations in New Zealand was commendable and a model to be copied by others;

(g) Violence against women had been taken seriously and there was a policy, particularly that adopted by the police designed to combat the problem;

(h) Finally, the Government had achieved remarkable results in the struggle towards realization of de facto equality for women.

Principal subjects of concern

659. The Committee, however, expressed its concern about the economic structural adjustment programme and its impact on women's lives, particularly in the poorer sections of the society. That was in spite of the Government representative's reassurance that several socio-economic support measures had been introduced to overcome the impact of the restructuring process.

660. The Committee equally noted that women's annual income was not equal with that of men for many reasons, particularly because of their need to accommodate family responsibilities. Although the Government had taken measures to improve women's income, it had abolished pay equity legislation during the reporting period. More efforts needed to be taken to alleviate the burden on women in that respect.

661. In the field of employment more affirmative action needed to be taken by the Government, in cooperation with the private sector, to help women cope with both family and work responsibilities. Such affirmative action would help integrate women in full-time employment and avoid limiting their participation in the workforce to part-time or lower paid jobs.

662. The Committee also noted its concern that changes in legislation were likely to weaken the trade union movement in New Zealand. Without strong union support, women in paid employment would lack the means to negotiate better employment conditions with their employers.

Suggestions and recommendations

663. The Committee suggested that the Government review its reservations with the intention of withdrawing them, particularly that entered to paid maternity leave. The Committee found it difficult to understand why paid maternity leave had not been implemented in working life.

664. The Committee urged that in its next report the Government provide more detailed information about the obstacles which still existed and prevented women from achieving full equality.

665. More research analysis was also needed on how the ethnic minority groups might achieve the same levels of equality as the majority of women in New Zealand.

## Senegal

666. The Committee considered the second periodic report of Senegal (CEDAW/C/SEN/2 and Amend.1) at its 247th meeting, on 27 January (see CEDAW/C/SR.247).

667. In introducing the report, the representative of the Government of Senegal noted that the socio-economic situation of the country had remained influenced by the unfavourable exchange rate for national products, external debt, climatic conditions, structural adjustment measures, high inflation and other negative factors affecting the country.

668. He emphasized that the status of women in his country had evolved since the colonial period. He stated that the colonial aim had been to concentrate on women in their reproductive role. They had no access to education, and there was no intention of abolishing traditional practices.

669. The representative noted that, since independence and following the adoption of appropriate legislation, efforts had been made to raise awareness among the population regarding improvements in the areas of health and education. He also emphasized the issues related to women's role in the family, development, food, self-sufficiency and work in the informal sector.

670. The representative also informed the Committee that recently there had been significant progress in women's education and that the enrolment of women in schools was on the rise, including in higher education. Employment among women had also increased, with most women working in the agricultural sector, while the remainder worked largely in fisheries. However, access to credit remained a problem, though efforts were being made to redress it.

671. Regarding the inclusion of women in the labour force, the representative stated that women represented 8 per cent of all workers in the private sector and 15 per cent in the public sector. In the private sector, women were paid by piece-work, while men were paid by the hour, manifesting serious inequalities.

672. In respect to female circumcision, the representative stated that some 20 per cent of the population still practised genital excision without anaesthesia or psychological counselling, leading to severe health problems among women, including haemorrhage. He noted that the authorities did not approve of the practice, but it was not prohibited under the country's Penal Code.

673. Regarding prostitution, the representative indicated that although prostitution was not illegal, it had been pointed out as the source of the transmittal of sexual diseases. He indicated that prostitutes were required by the Ministry of Health to be registered, and failure to do so resulted in penal measures such as imprisonment. He also said that HIV/AIDS was linked to prostitution, with 30 per cent of all cases of HIV/AIDS being women.

674. The representative indicated that violence against women remained a problem although the Penal Code provided for legal redress. Rape was also frequent in spite of the severe penalties, and sexual harassment, which was sometimes confused with men's advances towards women, was an issue not dealt with under the Code.

675. With respect to family planning, the representative observed that the rising demographic trend (2.8 per cent yearly) and high maternal mortality had led the authorities to start a policy for the establishment of family planning centres, which had multiplied since 1970, partly with the assistance of UNFPA. Awareness of contraceptive methods had increased (89.8 per cent for all methods), but their use remained low owing to cultural traditions. On the other hand, abortion was a crime as well as taboo. Finally, he observed that social benefits included medical care, maternal assistance and full pay during maternity leave.

676. In respect of the political participation of women, the representative noted that the place women occupied in the political arena was very restricted. Only three women had become members of the Government, while in Parliament, of 120 members, only 15 were women. There was only one female Mayor, and no women headed any political party, not even the Socialist Party, where women represented 600,000 of the 800,000 members.

677. Regarding the legislative measures taken by the Government, the representative stated that obsolete measures in the family law that granted certain powers to the husband, such as in the legal domicile and the right to oppose the practice of a professional activity, had been revoked.

678. The representative observed that the Ministry of Justice, in collaboration with all relevant ministries, was responsible for the preparation of the periodic report on the implementation of the international instruments. The report to the Committee had been prepared in consultation with non-governmental organizations, which offered their comments and suggestions. Those organizations had also contributed to the distribution of the present report.

General observations

679. The Committee noted the political will of the Government to change the status of women, but also that there was still discrimination against women and that their potential contribution was not fully acknowledged. It was felt that the report should have addressed the actual situation of women to determine their progress, and it was suggested that the next report should provide information on rural women, prostitution and disabled women, and should include more statistical data on the de jure and de facto situations.

General questions

680. In response to the comments made by members of the Committee with respect to statistics, female circumcision and structural adjustments in the economic and social fields, the representative stated that his introductory statement contained the answers to those issues.

681. In his reply to the question whether the Ministry of Social Development had replaced the former Ministry for the Status of Women, and what impact that would have on the Inter-ministerial Committee and the National Consultative

Commission, the representative stated that it was an evolution of the feminist policy of the Government. The intent was to group the various political components under one ministry, which would also be responsible for the implementation of that policy.

682. With respect to the Inter-ministerial Committee, the representative observed that its role was to ensure follow-up action to the feminist and family policies defined by the Government. All relevant ministries were represented on the Committee.

683. The role of the National Consultative Commission was to assist the Head of State in defining feminist and family policies. In relation to the budgetary provisions for the Ministry of Women's, Children's and Family Affairs, the representative observed that it received an allocation similar to that of other ministries, as provided under the Finance Law approved by the Parliament.

Questions related to specific articles

Article 1

684. Asked about the definition of discrimination in the national law, the representative indicated that a working group had been established in 1993 with the task of adapting the national legislation to the international instruments ratified by the country.

Article 2

685. With respect to the offence of family abandonment, the representative explained that originally article 332 of the Penal Code had penalized abandonment of the domicile by married women, and that, since that text was considered discriminatory, it had been replaced by a new one condemning the abandonment of the domicile by either spouse, although it still required that charges for legal action be filed by the wife.

686. Regarding the social, cultural or religious customs having an impact on the lives of women and the role of the Ministry of Women's, Children's and Family Affairs, the National Consultative Commission and the Inter-ministerial Committee, the representative noted that the customs were deeply rooted in the society. The authorities concerned were aware of the need for changing mentalities and had devised a plan of action to address those customs that had stymied the advancement of women.

Article 3

687. It was noted that although legal measures had been taken, freedom and equality remained fragile in a retrograde social context and that the Government must make a greater effort to develop women's rights.

Article 4

688. With respect to the functioning of the training centres and the programmes offered to women, the representative observed that, bearing in mind the high number of drop-out students and the low capacity of the educational system to absorb the rapidly growing school-age population, the State Secretariat and the different ministries relevant to women's issues had decided to establish a system of vocational training for women in all administrative departments in charge of absorbing female drop-out students from the traditional system. In

those centres, which numbered about 60, the staff included trainers and monitors to train the girls in home economics, etc.

Article 5

689. In replying to questions on the Family Code and the provisions granting a woman the right to take over the management of household affairs in the event of the absence of the husband, the representative noted that in the absence of the husband the wife became the provisional administrator of the properties.

690. It was stated that customs could only be changed gradually and that polygamy was just one form of marriage in Africa. In some cases, it was a choice that women decided to make. Furthermore, it was pointed out that many educated women chose a polygamous marriage because it was easy to enter into and easy to get out of; consequently, it would be difficult to abolish such a practice.

Article 6

691. In response to the request for additional information regarding prostitution, procurement, the penalties provided for under article 323 of the Penal Code and the action taken for the social and economic reintegration of prostitutes, the representative noted that prostitution was not prohibited by law, but was subject to control by the Ministry of Health, which registered all prostitutes for medical check-ups on a bi-monthly basis. If prostitutes did not register themselves, they were subject to a penalty of imprisonment. Furthermore, procurement was a criminal offence under article 323 of the Penal Code and was linked to prostitution and the unemployment of young destitute women.

Article 7

692. In replying to a question on the conditions and circumstances by which women could be deprived of their civil and civic rights or be declared incapable of managing their own affairs and lose the right to vote, the representative noted the provision of article 2 of the Constitution relative to the electoral law, which outlined the ineligibility of electors to vote, in the case of a prison conviction or civic degradation owing to crimes committed. However, those conditions were applicable to both sexes. The women in Senegal enjoyed legal capacity and could exercise it without any authorization.

693. Regarding the question of the participation of women in the public service, for example, in the army and in customs, the representative admitted the existence of discriminatory provisions; however, such provisions could be removed as a result of action aimed at the adoption in the national legislation of provisions of international instruments.

694. Regarding the role played by trade unions in encouraging women to participate in the political and commercial spheres, the representative referred to the Constitution, which allowed no discrimination in the enjoyment of that freedom, or in active participation in trade unions. He added that women were very active in this field.

Article 9

695. Asked about the apparent discriminatory provision in relation to women who married non-Senegalese men, the representative stated that the five-year requirement did not have a discriminatory connotation, but that it was aimed at verifying that the applicant was well integrated into Senegalese society. That provision was also intended to discourage arranged marriages for the purpose of acquiring Senegalese nationality.

Article 10

696. In answering a question on the reasons for young women dropping out of school and why emphasis was placed on finding jobs and technical training rather than on encouraging them to return to school, the representative referred to the reasons given under other relevant articles and the perception that the place of women was at home. That tendency might disappear in view of the focus of the State and women's organizations on the issue.

Article 11

697. In response to a question about the possibility of women competing for jobs in the civil service and other areas of the public sector on equal terms with men, the representative referred to Law 61-33 of 1967, which set out the rules and conditions pertaining to health, nationality and other requirements applicable to interested candidates. There was no discrimination in the distribution of posts, but there was a hierarchy and there were categories in the allocation of salaries. If there were discrepancies in salary, it could be in the private sector, where women were usually paid by piece-work while men were paid by the hour.

Article 12

698. In respect of the equal access of women to health services, the representative stated that all medical facilities were available to all those living in the country.

699. In respect of spouses infected with AIDS, he stated that they were alerted early on by the service that discovered the disease, with a view to avoiding its spread.

700. In respect of family planning, he added that methods were available in all the medical centres for the protection of the child and mother and for family planning. However, the rural areas had fewer centres than did the urban areas.

Article 14

701. Regarding the de facto discrimination in rural areas with respect to women's access to land and their voice in decisions affecting life in the community, the representative noted that the de facto situation resulted from the African perception that the owner of the land was the head of the family, while the women were only cultivators.

Article 15

702. The representative noted in clarifying article 13 of the Family Code that the wife could not leave the domicile unless authorized by the husband. However, that provision had been revoked in article 332 of the Penal Code, which

originally had dealt only with abandonment by the wife. The provision had been revoked in the Penal Code in 1977, but the provision of article 13 of the Family Code had not been modified until 1989.

703. The representative reaffirmed that women could fully enjoy their legal capacities without the authorization of their husbands.

Article 16

704. In respect of the several questions raised regarding the age of marriage, arranged marriages, consent of the husband or other members of the family, the representative observed that the minimum age for marriage was 16 for women and 20 for men. He added that although marriage in the country was considered a social phenomenon, the prospective bride or groom, even if a minor, had to express consent first in front of the parents in the presence of two witnesses, then subsequently in front of the relevant civil authority when filling out the papers for the contract of marriage and, finally, in front of the civil official during the actual marriage ceremony, where both bride and groom had to give their oral consent.

705. In reference to the three matrimonial property systems provided for under the law, and in replying to the questions which of the systems (community of property, separation of property, endowment system) women selected more often, which of them women had access to for the administration of their property and how property was distributed upon the break-up of the marriage, the representative noted that the most common system chosen was the separation of property based upon the black African perception of marriage as a family issue, contrary to the Greco-Roman conception, which viewed marriage as the choice of the individual. Furthermore, the community of property system was reserved for spouses who chose monogamous marriages. The dowry system was unknown.

706. In the case of dissolution of a marriage based on the separate property system, the spouses retained their respective property, as indicated initially. In the case of the community of property system, the community was dissolved by an official designated by a judge, who would divide the property into equal parts between the spouses.

707. In respect of the support for changes in the law and in practice concerning discrimination against women in the family in relation to the dowry and succession and equally shared parental authority rights, the representative observed the active participation of women's organizations and the political will of the relevant offices to adopt national legislation according to the provisions of the international instruments and to make changes in the texts and in practices which were discriminatory against women. Furthermore, succession and shared parental authority rights were included in the package of reform under consideration. Regarding the abolition of polygamy, the representative stated that polygamy was not encouraged and that all provisions relevant to the family were usually aimed at restricting it, as in the case of the irrevocable option of monogamy. However, polygamy was a phenomenon which could not be abolished merely by the passing of laws.

708. Regarding the legal position of parties cohabiting and children born out of wedlock, the representative stated that concubinage was not recognized in Senegalese law, although the law in certain cases could be flexible by establishing legal facts. However, in the case of cohabitation, there was the benefit of being able to skip some procedures, such as the official publication to be made before contracting marriage. Furthermore, children born during

cohabitation could not be repudiated or disowned. The representative added that children born out of wedlock would take the name of the mother but, if they were recognized, they could then take their father's name. The forced recognition of children was forbidden; it had to be done by their father on a voluntary basis.

Additional questions

709. It was also noted that the rate of illiteracy was too high and that all women had to have a knowledge of the laws to be able to invoke them. The question was raised whether education was compulsory.

710. With respect to political participation, as it was another avenue for women to express their rights, it was asked what women thought of their representation in this field.

711. A question was asked about the reason for the limited opportunities for women in employment, and it was suggested that facilities for credit and the development of strategies for women in the informal sector should be pursued.

712. Another question raised was whether Senegalese law could become more effective in dealing with the issue of violence against women.

713. With respect to the two forms of marriage, information was needed with which to determine the basis for the choice between polygamy and monogamy, as it was thought that the law which intended to promote monogamy could have unintentionally had the reverse effect.

714. An analysis of the effects of the legislative changes on the lives of women was suggested for the next report.

715. Another question referred to children born out of wedlock, and what could be done to improve their situation.

Concluding comments of the Committee

Introduction

716. The Committee commended Senegal on the presentation of its second periodic report, which provided essential information on the laws relating to the implementation of the Convention.

717. The Committee was satisfied with the information provided by the Government representative, which made it possible to gain a better understanding of the real situation of women.

718. The Committee regretted, however, the absence of information regarding the factors and difficulties which were impeding implementation of the Convention.

Positive aspects

719. The Committee noted with satisfaction the political will of the State party, which was endeavouring to continue its efforts to improve the status of women.

720. Indeed, it acknowledged that various public information campaigns undertaken by the Government would promote public awareness of the rights of women under international conventions and national laws with a view to enhancing their status.

Principal subjects of concern

721. Despite the efforts of the Government to guarantee equal rights for women, certain discriminatory practices persisted, including female circumcision and polygamy, which gravely offended the dignity of women.

722. The Committee noted with concern that the situation of women was still precarious in the fields of health and education, especially in rural areas.

723. The Committee also noted the fact that a large number of women were being absorbed by the informal sector without effective steps being taken to protect their interests.

724. On the question of constraints imposed by structural adjustment programmes, the Committee believed that those constraints did not absolve the State party of its obligation to provide social protection to the most vulnerable groups; namely, women, the poor and the disabled.

Suggestions and recommendations

725. The Committee encouraged the State party to step up its public information campaigns on behalf of women and to expand its programmes to combat traditional practices which affect women's health and advancement in order to eliminate persistent forms of discrimination against women.

726. The Committee recommended that the Government of Senegal should monitor the effective application of the laws guaranteeing equality of the sexes in order to enable women to utilize and benefit from those laws.

727. It was also of the view that special measures should be taken to reduce the adverse effects of structural adjustment policies that generally affect women.

728. Lastly, the Committee recommended that the third periodic report should provide complete information regarding the legal and practical steps taken to implement the provisions of the Convention.

## 3. Reports submitted on an exceptional basis

729. The Committee considered reports submitted on an exceptional basis through presentation of the reports by the States concerned, followed by questions by the experts and answers by the States.

730. In her opening remarks on each report, the Chairperson of the Committee recalled that, at its twelfth session, in 1993, the Committee had decided inter alia that it should, pursuant to article 18 of the Convention, request the States of the territory of the former Yugoslavia to submit a report or reports on an exceptional basis and that such a report or reports should be considered at the next session. In addition, the Committee had put on record its commitment to look into similar grave violations of rights being experienced by women in any part of the world. 9/

731. She also stated that, in accordance with the practice of other human rights treaty bodies, the Committee, deeply concerned about recent and current events in the territory of the former Yugoslavia affecting the human rights of women protected under the Convention, having noted that all the women within the territory of the former Yugoslavia were entitled to the guarantees of the Convention, finding that the new States within the boundaries of the former Yugoslavia had succeeded to the obligations of the former Yugoslavia under the Convention, and acting under article 18 of the Convention, had requested certain States within the territory of the former Yugoslavia, in particular Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to submit reports on an exceptional basis within the mandate given by the Committee at its previous session.

### Bosnia and Herzegovina

732. The Committee considered the report of Bosnia and Herzegovina at its 253rd meeting, on 1 February (see CEDAW/C/SR.253).

733. The representative of Bosnia and Herzegovina made an oral report, in which she confirmed the commitment of her country to the Convention and to all other international human rights treaties. She referred to the unprecedented suffering of civilians in her country in the last 21 months as a result of the aggression of the regular and irregular armed forces of Serbia and Montenegro and their surrogates in Bosnia as well as parts of the armed forces of the Croatian Defence Council under the command of extremist nationalists and with the active participation, and support in terms of manpower and military equipment, of parts of the regular armed forces of Croatia. Thousands of people had been killed or were unaccounted for; thousands were wounded, handicapped, had disappeared or died of starvation, cold and disease; thousands had been forced to abandon their homes and their land, often losing families and friends. In pursuing the goal of ethnic cleansing, which was the direct cause of the vast majority of gross human rights violations, various atrocities and the infliction of terror among the population, the Serb aggressors and Croat extremists violated international legislative standards of human behaviour. Numerous cities, various places of worship and cultural monuments had been destroyed. So had homes, shops and places of business. As confirmed by the numerous reports of intergovernmental and non-governmental investigating teams, commissions and groups, refugees in the detention camps were often exposed to terror, torture and humiliation. Even in the declared United Nations "safe areas", they lived in inhuman conditions, exposed to indiscriminate shelling, starvation and constant fear.

734. She referred to the mass and systematic rape of non-Serbian women of all ages, stressing that the majority had been Muslim women, as one of the most complex manifestations of aggression, the policy of ethnic cleansing and a particular form of genocide. According to the State Commission in Bosnia and Herzegovina, approximately 25,000 victims had been registered. Women had also been victims of massive deportation and detention in most of the 200 registered camps in the occupied territories. Those camps were the scene of large-scale rapes, forced prostitution and other abuses. She provided examples of camps, restaurants and hotels where such abuses took place on a massive scale. In some cases, after being raped, women were killed, had disappeared or had committed suicide. Those actions were premeditated, carefully organized and meant as acts to humiliate, shame and degrade the entire ethnic group. They were not just products of the "war environment". Some acts of violence against women's integrity took place in front of their family members, or even local communities. She referred further to the reports of experts, submitted to the General Assembly or the Security Council, for example, the report of the Special Rapporteur (A/48/92-S/25341), as well as the relevant resolutions of those organs (General Assembly resolution 48/143; Security Council resolutions 780 (1992) and 798 (1992)), in which they strongly condemned those acts and pointed to the consequences of those crimes for their victims, such as unwanted pregnancies, mainly ending in abortions, and physical and psychological damage, ruining their family, social and private lives as well as their health and well-being. For the nation it meant humiliation, disintegration of tradition and culture. In order to assist the victims, the Government had committed itself to their protection, focusing on financial, medical and psychotherapeutic help as well as the prevention of any form of discrimination and assistance in their reintegration into society. The issue was addressed in the work of some non-governmental organizations and several centres had been opened to assist traumatized women.

735. She also referred to the situation of refugees, in imminent danger while fleeing from or through the areas of armed conflict and living in very difficult conditions in refugee camps. Among the estimated 1,250,000 refugees from the territory of Bosnia and Herzegovina, 60 per cent were women and, of 1,288,000 displaced persons, women constituted 65 per cent. Their needs, however, were far from being properly addressed in spite of the efforts of numerous women's groups, individuals and international organizations. The main needs of women refugees related to health care, nutrition, basic housing facilities and responsibility for their children.

General observations

736. Members of the Committee commended the report and welcomed the fact that the representative of the country was attending the meeting of the Committee, despite the dramatic situation in the country. They expressed their solidarity as women with the women of Bosnia and Herzegovina and their deep concern about the prevailing war and ongoing violations of human rights, particularly the rights of women. They expressed their dismay at the daily information about ongoing atrocities, ethnic cleansing and acts of violence directed against women and children, including mass rapes. They emphasized that, as members of the Committee, they were interested in any further information that could lead to a better understanding and an improvement of the situation of women, protection of their rights, alleviation of their sufferings and prevention of actions contrary to international standards of human rights and the provisions of the Convention.

737. The view was expressed that the crimes against women should be thoroughly looked into, like any other human rights violations. Proper legal proceedings

should be established. An end should be put to the ongoing war and lasting peace and justice for all parties should be ensured.

General questions

738. Asked whether there were any specific machineries for women providing them with humanitarian and legal assistance and information about their rights and the Convention, the representative answered that she was not aware of any specific mechanism dealing separately with women's issues. People had many more immediate and dramatic needs that the Government had to address, such as the lack of water, food, fuel, other basic goods, medicines and shelter in the besieged cities. Initiatives and structures related to the advancement of women had existed before the war. She would, however, provide more details in the next report.

739. Other questions related to the specific assistance provided to women victims of rape; the exact number of therapeutic and rehabilitation centres for women victims of violence; and the ways in which women were involved in their organization. It was also asked whether the denunciation of the rapes by the international public opinion and media was helpful.

740. In reply the representative stated that there were specific centres for all traumatized women, providing psychotherapy, consultations and other forms of assistance to alleviate their plight. Although those centres assisted women victims of rape, they were also accessible to other war victims in order not to label and single out raped women. She was not able to provide comprehensive information on those centres, and she stated that any assistance from the international community with regard to alleviating the consequences of that traumatic situation for women was helpful.

741. With regard to the request for more detailed information about how the number of 25,000 women victims of rape had been estimated, the representative replied that it was difficult to compile the full evidence in the conditions of war. Certain camps were not accessible even to the official investigating teams, or had often been relocated or closed if the inspection was expected. Certain parts of the country had not been accessible until now. Besides, many women were not willing to provide testimony, but rather preferred to put the tragedy behind them and move on with their lives. Thus, the data compiled by the State Commission had been based on the reports of various commissions, women's testimonies, information provided by women's groups and refugee women. The figure of 25,000 had been carefully estimated and was considered on the low side. She further pointed to the necessity to distinguish between the rape that was known to take place in the environment of war and disorder and the genocidal rape of women in her country, which was a matter of policy and was used as means of warfare to achieve the goals of ethnic cleansing, to humiliate the nation and the ethnic group, to result in forced pregnancies reminding women of the terror and preventing them and their families from leading normal lives. Thus, attempts to educate society how to help the victims and cope with the situation were very important.

742. The experts further asked who specifically dealt with the consequences of violence against women, including forced pregnancies, what measures had been taken in that respect by the Government and non-governmental organizations and whether there were any women's support groups. It was asked whether abortion was accessible to women victims of rape if they decided to undergo it; what was the legal status of children born as a result of rape and whether they were taken back by the families or placed in orphanages.

743. In reply, the expert stated that, in assisting traumatized women, the Government could not go much beyond the measures already described in her presentation. Daily preoccupation with such essential matters as the provision of fuel, food, clothing and medicines; maintenance and reconstruction of electricity, water, telecommunication and transportation lines; restoration of houses, shelters and hospitals absorbed fully the Government. Besides, the war was still going on and creating additional daily demands. There was no information on the number of abortions performed as a result of rape. However, it was assumed that a number of women decided to give birth to the child, neither admitting nor discussing the fact that it had been conceived as the result of rape. There were, however, also the cases of self-inflicted abortions, reported by some grass-roots organizations. Although the law permitted abortion, it was not always possible in practice owing to scarce medical facilities. There was also no specific information on children born as the result of forced pregnancies and the incidence of rape. Numerous non-governmental organizations carried out various forms of medical, psychological and therapeutic activities aimed at assisting those women, helping them to cope with the situation, to go on with their lives. Some other non-governmental organizations focused on the collection of data and testimonies from women victims of rape in order to prepare for court proceedings, including the future presentation of cases at the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. Those women's groups often received assistance and training from women's networks in other countries, mainly in the West.

744. With regard to the possibility of the International Tribunal taking up the cases of violence, the question was asked whether the victims of such actions, considered for the first time as war crimes instead of individual acts of violence, would be given compensation as victims of torture and special assistance by the Government. Compensation to women victims should be a part of the peace agreement.

745. In reaction to those statements, the representative replied that her Government attached great importance to the establishment of the International Tribunal to follow up the cases of war crimes and that it considered essential that rape be included in the list of war crimes. Such a decision would establish an important legal precedent. The issue of monetary compensation to women victims of war rape would be referred to in her Government's regular report. However, the Government viewed that issue in the context of war crimes, considering rape as a war weapon and an instrument of the ethnic cleansing policy.

746. Asked about the cases of violations of women's human rights by members of the military of Bosnia and Herzegovina or by individuals, the representatives replied that, although the Special Rapporteur stated in his report that acts of violence against women had been committed by all parties, the majority of those acts were targeted against Muslim women by the Serbs. At the beginning of the aggression against Bosnia and Herzegovina, there had been no army in her country and the defence had been organized by citizens, in a spontaneous manner. Thus, there had been individual cases of violence against women, either meant as acts of revenge, or individual war-related acts of violence. Those cases, when discovered, had been punished by the authorities with dismissal from the army or detention. The Government also took steps to prevent such acts.

747. Attention was drawn to the relevance of general recommendation 19 of the Committee related to the issues of violence against women and the 1974

Declaration on the Protection of Women and Children in Emergency and Armed Conflict (General Assembly resolution 3318 (XXIX)). The obligation of Governments to eliminate and prosecute discrimination and cases of violence committed by public authorities as well as individuals was emphasized. Questions were raised as to whether any measures had been taken by the Government of Bosnia and Herzegovina to prevent violence, to protect women and children and to eliminate hatred and whether the Committee could help in that respect. It was further asked what was the role of women's organizations in that regard.

748. In reply to the question about government policies for assistance to families in wartime, the representative replied that, although the capacity of the Government had been very limited and focused on the immediate and basic needs of society, the issue had been addressed in the mass media; there were centres of family counselling and there were attempts to raise awareness of the importance of the family to its members.

749. In reply to questions related to the medical needs of women, in particular specific needs of women victims of rape, and the overall state of the health services, the representative replied that, although the level of medical services had been very high in the past, they had been largely destroyed through the war and were affected by the lack of basic equipment and medicines. Thus, the capacity of those services had been very limited and continued to be affected on a daily basis by shelling or siege.

750. With regard to the request to assist the Committee in seeking practical help for women at the highest level of the United Nations and the question about existing assistance provided to women by international governmental and non-governmental organizations, the representative replied that those organizations had been doing a great deal to alleviate the suffering of the population, but had not succeeded in putting an end to the war, the cause of the present situation. Some organizations of the United Nations system, such as the Office of the United Nations High Commissioner for Refugees, and humanitarian non-governmental organizations contributed to the provision of basic goods and assistance, medical intervention in serious cases requiring transfer abroad and training for local women's groups dealing with traumatized women. However, much foreign assistance was not available owing to the siege of towns and villages, the blockade of ports and the shelling of transport facilities. One of the experts asked what would be the form of assistance from women in Western countries most required by the women in Bosnia and Herzegovina.

751. Regarding the observation on the importance of the full participation of women in all spheres of life for the future of the country and referring to a request for more information on the participation and role of women in decision-making bodies at the government and local levels, as well as in the peace negotiations, and discussions concerning the future of the country, the representative stated that the data would be submitted in the next report. She further remarked that there were many women in the foreign service and a woman occupied the crucial post of ambassador to Croatia.

752. With regard to questions related to the situation of refugee women and children, their safety, specific needs and the services they required, the representative stated that their situation had been increasingly difficult as most of them lived on the territory of Bosnia and Herzegovina, already severely suffering from war and the shortage of basic goods and services, and the flow of

refugees from war affected areas to the refugee camps continued. Many refugees had been killed or affected on their way to safety and it was very difficult to protect them. International assistance was particularly important in that respect, including the acceptance of many refugees by foreign countries.

Concluding comments of the Committee

753. The Committee commended the representative of Bosnia and Herzegovina for presenting its report on an extraordinary basis despite the regrettable situation in her country and also for providing answers to most of the questions posed by members of the Committee.

754. The Committee noted the information provided about the massive rape of women as an instrument of ethnic cleansing and other forms of violation of women's human rights, and recalled that it had always condemned violence against women in all its forms.

755. The Committee therefore expressed its full support for, and solidarity with, all women of Bosnia and Herzegovina in their sad situation in this unfortunate war.

756. The Committee therefore, while condemning in the strongest terms the use of rape and violations of women's rights as an instrument of warfare, called on all of the women of Bosnia and Herzegovina not to remain passive. Women must henceforth become visible at both the governmental and non-governmental levels. The Committee hoped that in that way women would generate the political will requisite for change and an urgent end to the war.

757. The Committee called on the Government, for its part, to do all it could to stop the rape and protect the human rights of women, who, as always, were particularly vulnerable in this unfortunate fratricidal war.

## Federal Republic of Yugoslavia (Serbia and Montenegro)

758. The Committee considered the report of the Federal Republic of Yugoslavia (Serbia and Montenegro) (CEDAW/C/YUG/SP.1) at its 254th meeting, on 2 February (see CEDAW/C/SR.254).

759. In introducing the report, the representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) described the consequences of the disintegration of the Socialist Federal Republic of Yugoslavia, the civil war in Bosnia and Herzegovina which had caused a flow of refugees to her country and the blockade unjustly imposed on her country by the international community, in particular as a result of the sanctions introduced by the Security Council in its resolutions 757 (1992) of 30 May 1992, 787 (1992) of 16 November 1992 and 820 (1993) of 17 April 1993. She also referred to the numerous interventions by various humanitarian organizations and individuals to provide humanitarian aid and to draw the attention of the world to the devastating consequences of the sanctions for the national economy, social infrastructures and the entire civil population, in particular women and the vulnerable groups.

760. Living standards had fallen dramatically. National health services lacked basic medical supplies and infrastructures and the supply of imported medicines and other needed goods was blocked or obstructed by the embargo. Mortality had increased, in particular among young children and the elderly, as had the death rate of infants and people suffering from chronic disease. The problem of AIDS

had become pressing owing to a shortage of diagnostic tests. Women were affected by the shortage of contraceptives, anaesthetics used for abortions and basic hygienic items. The number of miscarriages and deliveries at home had increased, as had the death rate of live-born infants and mortality of mothers and babies during delivery. Stress, fear of the future and separation of families often caused psychiatric problems. Violence, alcoholism and various forms of sexual abuse had increased. Various forms of violence against women and sexual harassment had been addressed through non-governmental activities, including SOS telephone services and by the Government, which considered rape and the abuse of women and children as crimes that should be condemned in the strongest terms wherever they occurred and that those responsible, whoever they were, should be punished.

761. The representative also referred to the issue of abuses of women in war zones and pointed to her Government's position that such crimes were contrary to international humanitarian law. For those reasons, the Government had cooperated actively with the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992, investigating facts and collecting data about women who had been victims of rape and had come to Yugoslavia as refugees, with a view to the physical and mental rehabilitation of those victims. The Government had also established State bodies to investigate all such allegations, collect data and monitor the rehabilitation of victims of sexual abuse committed in war areas and had sheltered them as refugees in the Federal Republic of Yugoslavia. Some parts of the collected evidence had already been presented to the Commission of Experts and had been circulated as documents of the General Assembly and the Security Council. For example, the Commission for monitoring the sexual abuse of women, children and men in conditions of war, composed of medical experts and psychologists, was set up in the Federal Ministry of Labour, Health and Social Policy. Although the Commission did not discriminate in terms of nationality, the majority of victims were Serbian female refugees from Croatia and Bosnia and Herzegovina. Some of those women had already been successfully reintegrated into society, as had, for example, young women who had given birth as a result of rape in Muslim- and Croat-run camps and brothels. Other medical and expert sources revealed that many Serb women had been victims of persecution, sexual torture and rape in various camps for Serbs. Some, however, after hospitalization withdrew their statements and were not included in any evidence. All who had become pregnant as a result of rape had received the necessary assistance. Most of them did not want to talk and wanted to forget everything that had happened to them. Only those who had come to have an abortion after a few months of pregnancy and had been required to have an examination and to obtain the approval of the special medical commission, had revealed what had really happened to them. A considerable number of women who had been raped in Bosnia and Herzegovina, however, with pregnancies of less than 10 weeks, had had abortions without waiting for the Commission's approval and had concealed the fact that they had been raped. Such behaviour only confirmed her country's claim that, in its culture, a woman would admit that she had been raped only if she had to. Rape was so traumatic that it often caused suicidal tendencies. Instead of counting the number of raped women, trying to prove which side had suffered more hardship, doubting their testimonies and using them for political manipulation, it would be better to assist raped women and reintegrate them in society.

General observations

762. Members of the Committee thanked the representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) for presenting the additional oral report, which was more in compliance than the written report with the request made by

the Committee at its twelfth session that the States of the former Yugoslavia submit a report or reports on an exceptional basis in view of the Committee's deep concern about recent and current events in the territory of the former Yugoslavia affecting the human rights of women protected under the Convention. The written report (CEDAW/C/YUG/SP.1) did not meet those requirements, as it was more like a periodic report and did not address the situation of women with regard to the prevailing armed conflict and various forms of violence against women. It was emphasized by some that a report submitted on an exceptional basis should provide more information on the specific situation of women owing to the state of war. The members expressed their grave concern about the situation of women in the Federal Republic of Yugoslavia (Serbia and Montenegro), who had been affected by increasingly difficult living conditions, inflation, unemployment, increasing violence in daily life and collapsing social and health services. They expressed their solidarity with all women of the Federal Republic of Yugoslavia (Serbia and Montenegro) and other States of the territory of the former Yugoslavia. They appealed to the wisdom and solidarity of women in the Federal Republic of Yugoslavia (Serbia and Montenegro) to put an end to the war, to exercise the force of right and to exert all possible pressure on men at the decision-making levels, in the military and in peace negotiations, to stop the destruction, to stop using women as tools of war and to achieve peace.

763. The view was expressed that, as in any armed conflict, women and children were the primary victims.

764. In response to those observations, the representative stated that the main emphasis had been placed on regular reporting because her country had not been a party to the war in Bosnia and Herzegovina. It had nothing to do with the civil war in Bosnia and Herzegovina between its three constituent peoples - the Bosnian Serbs, the Bosnian Muslims and the Bosnian Croats, and the Federal Republic of Yugoslavia had no territorial claims on Bosnia and Herzegovina. The last soldier of the former Yugoslav People's Army had left the territory of Bosnia and Herzegovina on 19 May 1992, so that the Federal Republic of Yugoslavia could not be responsible for the ongoing violations of human rights in Bosnia and Herzegovina. Thus, she was not in a position to report on human rights violations in Bosnia and Herzegovina. The Federal Republic of Yugoslavia was doing its utmost and playing a very constructive role in the ongoing Geneva peace negotiations.

General questions

765. Reference was made to the fact that, despite all diplomatic initiatives, and its internationalization, the conflict kept developing, with all its outrageous consequences for women and children. It was asked whether women had the political will and strength to stop further fighting, organize themselves for peace at all levels and struggle together, independent of ethnicity, nationality or religion, for a just and peaceful future for the country and for its reconstruction. Information was also sought as to the role of non-governmental organizations in the search for peace and the participation of women in the peace negotiations, reconstruction of the country and its future decision-making bodies.

766. The representative answered that in the Federal Republic of Yugoslavia (Serbia and Montenegro) women supported the Government's policy related to Bosnia and Herzegovina which was the policy of peace. Together with men in the Federal Republic of Yugoslavia, they sought a peaceful solution to the war in

Bosnia and Herzegovina. Non-governmental organizations in the country had made some attempts towards peace, but had not succeeded up to now.

767. The members of the Committee commented on various negative consequences of the sanctions described in the report and pointed to their damaging effects, especially for women, in particular with regard to employment, health care, housing, nutrition, pensions, maternity, child care, daily violence, sexual abuse and the disintegration of the family. While reiterating concern that all sanctions affected the most vulnerable social groups and not the Governments, reference was made to the lack of explanation in the report as to why the embargo had been imposed. It was asked why reference was made in the report to Kosovo and Metohija as regions that were slow in ridding themselves of some traditions and customs related to ensuring equality of men and women, and why the distinction was made on ethnic, religious and traditional grounds. The representative replied that those regions had been singled out not for the purpose of discrimination, but for special attention, as requested by the Committee at its tenth session.

768. The observation was made that the report did not address properly the issues of violence against women. While information had been provided in the statement on the increasing daily aggression and violence against women in the Federal Republic of Yugoslavia (Serbia and Montenegro), such as physical violence, sexual abuse, verbal and/or physical coercion of women to sexual intercourse, sexual abuse of children, verbal and emotional abuse of women and children, harassment and intimidation of women at their places of work, economic abuse of women and children, there had been no information on the issue of rape as a weapon of war. Although reference to mass rapes used as means of warfare was included in reports of the Special Rapporteur of the Commission on Human Rights and in many press reports on the subject in the past two years, exact information and data on the subject would be essential to the Committee. The situation in which might prevailed over right and men used their power to return to such practices of the dark ages was shocking and required clarification as to the facts, figures and actions taken by the Government, if any, to bring the perpetrators to justice and assist the victims. One member, however, did not share the view that such data would be important, but rather favoured the view that the focus should be on rehabilitation of and assistance to women victims. The remark was also made that the statement in the oral report made by the representative that "aberrant and violent sexual behaviour is far from being characteristic of the war in the former Bosnia and Herzegovina alone; such behaviour has occurred in all known wars thus far" (see CEDAW/C/SR.254) was unacceptable, as well as immoral and appalling.

769. The representative stated that the accusation of the use of mass rapes as a war weapon did not apply to her country at all because the Federal Republic of Yugoslavia was not engaged in the war in Bosnia and Herzegovina. She referred to the report of the Special Rapporteur, which confirmed the incidence of mass rapes but pointed to all parties in the conflict. Although incidents had happened in all war-torn areas, the evidence of ordered, systematic rapes was very weak, and the Federal Republic of Yugoslavia had strong evidence of Serbian women being raped by Croats and Muslims. She also stated that the issue of violations against women who had found refuge in the Federal Republic of Yugoslavia had been studied by the State Commission for War Crimes and the Crimes of Genocide and the Interdepartmental Group of the Federal Government involving all crucial ministries, non-governmental organizations and associations of citizens. She stated that her Government was willing to cooperate with all international fact-finding bodies. She also apologized for the sentence that might give the false impression that rape was considered, by

the Government of the Federal Republic of Yugoslavia, normal behaviour in times of war and asked that it be seen in the context of what followed in her report, where rape was clearly characterized as a great breach of humanitarian law.

770. With regard to the concern expressed about the situation and the marginalization of detained women, incidents of unwanted pregnancy, numerous abortions, women dying during delivery, the dramatically declining birth rate, and increasing infection with AIDS, she pointed out the increased difficulties that influenced the status of women in the Federal Republic of Yugoslavia owing to the consequences of war in neighbouring Bosnia and Herzegovina, general shortages and the malfunctioning of medical services and supplies and the collapse of social structures as a result of the sanctions. Abortion was still used as a means of contraception. There were an increasing number of new-born children with AIDS. The risk of AIDS was particularly dangerous, especially in view of the lack of proper information, medicines and sexual education, especially among young people.

771. Asked about the data related to prostitution, policies in that respect and the increasing number of female prostitutes visible, even in neighbouring countries, and if that was related to the incidence of massive rapes, the representative answered that prostitution was not a crime under the provisions of the Yugoslav Penal Code. Increased numbers of prostitutes, who were mainly women, but also young girls and boys, had started to practise "covert prostitution" as a result of the dramatic situation of the country and the lack of basic goods and prospects.

772. With regard to questions related to the situation of women and children refugees, the representative stated that the refugees from all neighbouring war-ridden areas were accepted by the society and individual families regardless of their ethnic origin, religion or nationality. This was also a policy of her Government. Referring to the question of the increased incidence of violence within the families that received the refugees, she stated that it had resulted from basic shortages and daily hardship and had nothing to do with the national or ethnic background of the refugees and the receiving families. Contrary to the image, the cultural differences between the nations of the former Yugoslavia were not so drastic, and those nations had lived in peace together for many years.

773. In conclusion, one member said that the representative's statement that her country had nothing to do with the human rights violations in Bosnia and Herzegovina was not acceptable.

Concluding comments of the Committee

774. The Committee commended the representatives of the Federal Republic of Yugoslavia for presenting their report on an extraordinary basis in spite of the regrettable situation in their country and also for providing answers to most of the questions posed by members of the Committee.

775. The Committee expressed its sadness at the plight of the women of the Federal Republic of Yugoslavia and recalled that it had always deplored violence against women in all its forms. It expressed its concern at the increased violence perpetrated against the women of the country caused by the stress and deprivation currently being experienced by the population. It expressed its concern that the women were also suffering the consequences of sanctions, which were having a serious impact on their health care and nutrition in particular. The tragic war in the territory of the former Yugoslavia had affected women's

dignity as human beings, had caused large numbers of women to become refugees and had demonstrated women's vulnerability in time of conflict.

776. The Committee called on all the women of the Federal Republic of Yugoslavia not to remain passive. Women must participate fully at governmental and non-governmental level in initiatives for peace in the territory of the former Yugoslavia. The Committee expressed the hope that the women would generate the political will needed for change and needed to bring the conflict to an end. The Committee awaited initiatives from the women of the Federal Republic of Yugoslavia which would bring an end to the tragic conflict.

## V. IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION

777. The Committee considered the implementation of article 21 of the Convention (agenda item 5) at its 238th meeting, on 19 January.

778. The item was introduced by the Deputy Director of the Division for the Advancement of Women, who presented the report prepared by the Secretariat (CEDAW/C/1994/4).

### Action taken by the Committee on the report of Working Group II

779. At its 256th meeting, on 3 February, the Committee considered the item on the basis of the report of Working Group II.

#### Draft recommendation on articles 7 and 8

780. The Working Group carefully considered the draft recommendation on article 7, which had been prepared on the basis of contributions from Evangelina García-Prince and Salma Khan, and decided to shorten the original text substantially and restructure it to include sections on the following: (a) background to the international conventions that have been adopted; (b) introduction to and commentaries on various paragraphs of the article; (c) declaration of principles; and (d) recommendations. The Group completed this work and the revised text was given to the Secretariat for translation and circulation so that it could be taken up in plenary meeting.

781. The Working Group considered the draft recommendation on article 8 and decided to shorten some sections on the role of women in government foreign service and include new material referring to the function performed by women in multilateral organs, non-governmental organizations and international companies and stressing their role in the establishment of lasting peace. The Working Group prepared a revised text and submitted it to the Secretariat for translation and circulation so that it could be taken up in plenary meeting.

782. The Committee decided to continue consideration of the draft recommendation at its fourteenth session.

#### Equality in marriage and family relations

783. At its 258th meeting, on 4 February, on the recommendation of Working Group II, the Committee adopted a general recommendation on equality in marriage and family relations (general recommendation 21), relating to articles 9, 15 and 16 of the Convention (for the text, see chap. I, sect. A).

## VI. WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

784. The Committee considered ways and means of expediting its work (agenda item 6) at its 238th meeting, on 19 January.

785. The item was introduced by the Deputy Director of the Division for the Advancement of Women, who presented the report prepared by the Secretariat (CEDAW/C/1994/6).

786. A representative of the Centre for Human Rights informed the Committee that the issue of the equal enjoyment of human rights and fundamental freedoms by women had been reflected in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. The Conference had set the goal of universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000, and had taken particular note of the recommendation made by the Committee at its eleventh session, in January 1992, that the overall issue of reservations to human rights conventions be placed on the agenda of the Conference.

787. She emphasized that the Conference had also stressed the importance of working towards the elimination of violence against women, as well as the elimination of all forms of sexual harassment, exploitation and trafficking in women, gender-bias in the administration of justice and the eradication of any conflicts that might arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.

788. She drew the Committee's attention to the recommendation of the Conference regarding a human rights education decade, and to General Assembly resolution 48/127 of 20 December 1993, in which the Assembly had requested the Commission on Human Rights to consider proposals for such a decade.

789. The Conference had recommended that steps should be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee on the Elimination of Discrimination against Women, the United Nations Development Fund for Women, and other United Nations bodies. In that context, it had also called for strengthened cooperation between the Division for the Advancement of Women and the Centre for Human Rights.

790. She outlined the work that had been carried out by other human rights treaty bodies, with particular reference to the human rights of women.

791. She also drew the Committee's attention to Commission on Human Rights resolution 1993/46 of 8 March 1993, on integrating the rights of women into the human rights mechanisms of the United Nations, in which the Commission encouraged closer cooperation between the Committee on the Elimination of Discrimination against Women and other treaty bodies. 10/ In order to implement some of the provisions of the Vienna Declaration and Programme of Action, the Centre for Human Rights intended to establish a focal point on women's issues in the office of the Assistant Secretary-General for Human Rights, to deal with matters relating to the human rights of women within the Centre, as well as system-wide, especially in view of the upcoming Fourth World Conference on Women.

792. She emphasized that, in view of the increasing backlog of reports and other matters awaiting consideration, both the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights had decided to request the holding of additional sessions in 1994. Similarly, the Human Rights Committee had asked that its forthcoming summer session be extended by one week to allow additional time for the Committee to deal with the heavy backlog of communications under the Optional Protocol and reports from States parties.

793. Replying to the questions raised by many members concerning cooperation between the Centre for Human Rights and the Division for the Advancement of Women, the representative of the Centre stated that, over the past few months, there had been a number of high-level contacts between the Centre and the Division with a view to increasing cooperation between the two bodies.

794. With regard to non-governmental organizations, the representative of the Centre reported that both the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights had taken steps to involve them in their work and had set aside time for them to make oral statements. Non-governmental organizations had also provided materials in conjunction with the consideration of country reports.

795. At its 250th meeting, the Committee held a general discussion of its functioning, its relationship with other human rights treaty bodies and the secretariat servicing of the Committee.

796. Many members noted that the work programme of the Committee had been increasing and had reached a level that was too heavy to ensure that the results would be of the quality expected of the Committee. The number of periodic reports being considered during each session was too large for the time available and much higher than for other treaty bodies. One expert noted that the uniformity of the presentation and consideration of the reports had resulted in a somewhat mechanical approach to that function.

797. It was stated that the nature of the Committee's activities had changed in the wake of the World Conference on Human Rights and that its sphere of activity now extended beyond merely reviewing reports. The function of providing commentaries on articles of the Convention through general recommendations and contributions to significant United Nations conferences and events had expanded. It was pointed out that the effort to provide general recommendations had perhaps proceeded too rapidly, and the Committee should consider slowing the pace in order to ensure that the quality of the final recommendations would meet the highest professional standards.

798. It was noted that the restriction on meeting time for the Committee was a significant factor contributing to its difficulties in completing its work programme.

799. A number of suggestions were made relating to the organization of work. The possibility of designating experts to specialize in initial reports to be considered at the next session, as had been discussed at past sessions of the Committee, was raised, as was the possibility of regionally based pre-session meetings. The idea of using electronic-communication technology to facilitate communications among members and with the Secretariat was also discussed. Members suggested having the Bureau of the Committee meet with the Secretariat, in advance of sessions, in order to plan the work. The need to emphasize analytical rather than clarificatory questions was advanced. It was noted that not all members had provided the pre-session Working Group with questions that

could be taken into account in preparing the questions sent to the reporting States. One member suggested that the report of the pre-session Working Group be reviewed before the questions were sent to the respective States. Another suggestion put forward was that, in order to allow adequate time for organizational matters, no reports should be considered on the first day of the session.

800. Many members emphasized the need to provide orientation to newly elected members. It was suggested that some form of orientation manual be prepared, that communications with new members commence during the year of their election and that time be set aside at the beginning of the session during which new members were welcomed in order to provide orientation.

801. Most members expressed concern about the quality of servicing provided to the Committee. One member stated that the servicing had been the worst in the history of the Committee. Others noted that the transfer of the Division for the Advancement of Women from Vienna had hampered servicing. In principle, the Committee should receive the same level and quality of servicing as other human rights treaty bodies.

802. It was stated that the Committee had not received adequate professional support in terms of the legal expertise it needed; the Chairperson had not been adequately supported by the Secretariat; and there was insufficient secretarial and other support. It was suggested that the Secretary-General establish an identifiable unit that would work with the Committee throughout the year, which could provide communication with members, service initiatives taken by the Chairperson and be a focal point for requests for information about the Committee and advisory services. The importance of filling the now vacant position, formerly occupied by the Secretary of the Committee, with a highly qualified professional, was emphasized. It was important to know, at the outset of the session, which individual staff members of the Secretariat had been assigned to what tasks, so that members could be clear about whom to approach on specific matters.

803. Concern was expressed about the speed with which translations had been made available to the Committee.

804. The Secretary-General of the Fourth World Conference on Women, as the official responsible for supervising the work of the Division for the Advancement of Women as secretariat for the Committee, replied to questions. She stressed the changed political role of the Committee in the aftermath of the World Conference on Human Rights. She noted that the problem of resource levels was common to all units in the United Nations system dealing with women's issues and that the transfer of the Division from Vienna had involved logistical problems that had hampered servicing. She said that those problems should not be taken as an excuse for failings in the servicing of the session. She had made efforts to improve coordination with the Centre for Human Rights. She stated that a specific unit should be created within the Division for the Advancement of Women to deal with women's human rights, including the servicing of the Committee. That would improve the career prospects of staff and ensure mobilization of technical support to the Committee.

## A. Action taken by the Committee on the report of Working Group I

805. At its 256th meeting, on 3 February, the Committee considered the report of Working Group I.

### 1. Secretariat servicing of the Committee

806. The Committee noted that the World Conference on Human Rights had reaffirmed the role of the Centre for Human Rights in the coordination of United Nations activities for human rights. It also noted the role of the Division for the Advancement of Women for taking steps to ensure that violations of women's human rights would be addressed in the human rights regime, including gender-specific abuses. It further noted that the Conference had called for close cooperation between the Centre and the Division.

807. The Committee looked forward to that closer cooperation between the two units on the basis of agreed guidelines on methods of work to ensure that the Committee would be given the same level of servicing as other human rights treaty bodies and its work would be included in all publications on human rights. The Secretariat should report on cooperation and coordination as part of its pre-session report on ways and means of improving the work of the Committee.

808. The Committee stressed the need to have adequate resources for this purpose in both organizational units. It noted the fact that the servicing of the Committee has always been absorbed by the Division for the Advancement of Women without an increase in resources and stressed that, in view of the growing volume of work and new mandates, the resources available to the Division for servicing the Committee should be increased. Within the structure of the Division an adequately staffed substructure should be created for servicing the Committee on a permanent basis.

### 2. Venue of the fourteenth session

809. The Committee noted that its fourteenth session would be held at United Nations Headquarters in 1995.

### 3. Review of the rules of procedure

810. The rules of procedure of the Committee were originally drafted in 1981. In the intervening period the Committee had adopted, by consensus, a number of new procedures that could be interpreted as inconsistent with the published rules. The Committee had therefore decided, at its twelfth session, to review the rules of procedure in order to adjust them to its current procedures.

811. Following a review of the rules which might need reformulation, the Committee requested the Secretariat to prepare draft revised rules, based on the Committee's current practice, to be considered by the Committee at its fourteenth session. The drafts should address the rules that need to be changed. The Secretariat should also make suggestions about possible rules that would seem desirable in the light of the Committee's current practices.

## 4. Formulation of Committee comments on the reports of States parties

812. The Committee decided to adopt the practice now becoming common in all of the human rights treaty bodies of preparing concluding comments on the reports of States parties that had presented them to the Committee, so that those could be reflected in the report of the Committee. The following procedures for preparing those comments were determined.

813. At the outset of each session, the Chairperson should designate, for each report, two members of the Committee to draft concluding comments to be considered for adoption by the Committee. To the extent possible, at least one of those rapporteurs should be from the region of the reporting State. For second and subsequent periodic reports, they should consult with the members of the pre-session working group.

814. The comments should cover the most important points raised during the constructive dialogue, emphasizing both positive aspects of the reports and matters on which the Committee had expressed concern, and should clearly indicate what the Committee wished the State party to report on in its next report. The comments should be concise. For second and subsequent reports, the comments should take into account the findings of the pre-session working group as well as the constructive dialogue.

815. The drafts should be considered in closed meetings of the Committee scheduled periodically during the session, but at least one per week.

816. Once agreed, the concluding comments would be incorporated into the Committee's report on the consideration of the State party's report.

817. One member expressed her reservation regarding the formulation of concluding comments.

## 5. Reports to be considered at the fourteenth session

818. Taking into account the criteria that preference should be given to those States whose reports had been pending for the longest time, the need to give priority to the consideration of initial reports, and the desirability of having a balahce of reports in terms of geographic and other factors, the Committee decided to consider the following reports at its fourteenth session, in 1995:

(a) Initial reports

Bolivia
Chile
Mauritius
St. Vincent and the Grenadines
Tunisia
Uganda

(b) Second periodic reports

Argentina
Finland
Peru

(c) Third periodic reports

Norway
Russian Federation

## 6. Pre-session working group for the fourteenth session

819. After consultations among members belonging to the regional groups concerned, the Committee decided that the pre-session working group for the fourteenth session should consist of the following members and alternates:

| Member | Alternate |
|---|---|
| Evangelina García-Prince (Venezuela) | Liliana Gurdulich de Correa (Argentina) |
| Salma Khan (Bangladesh) | [open] |
| Hanna Beate Schöpp-Schilling (Germany) | Pirkko Anneli Äniken (Finland) |
| Kongit Sinegiorgis (Ethiopia) | Ahoua Ouedraogo (Burkina Faso) |

Since there is no current member from Eastern Europe, the working group will consist of four members.

## 7. Orientation of new members

820. The Committee requested the Secretariat to prepare a brief orientation manual for new members and to distribute it to them in advance of the session as well as to other members of the Committee.

## 8. Organization of the work of the fourteenth session

821. The Committee decided to begin consideration of the reports of States parties under article 18 from the second day of the session.

## B. Plan of activities of the Centre for Human Rights of the United Nations Secretariat

822. The Committee, having been provided by the Centre for Human Rights of the United Nations Secretariat with a draft of its plan of activities for the implementation of the Vienna Declaration and Programme of Action, recommended that the plan of activities be amended in order to strengthen the Centre's work relating to the human rights of women and its relations with the Committee. It decided that those amendments should be transmitted by the Chairperson of the Committee to the Assistant Secretary-General for Human Rights.

## C. Feasibility of preparing an optional protocol to the Convention

823. At its 258th meeting, on 4 February, on the recommendation of Working Group III, the Committee adopted suggestion 5, on the feasibility of preparing an optional protocol to the Convention (for the text, see chap. I, sect. B).

## VII. CONTRIBUTIONS OF THE COMMITTEE TO INTERNATIONAL CONFERENCES

### A. Fourth World Conference on Women

824. The Committee considered the structure and contents of document CEDAW/C/1994/7, prepared by the Secretariat as an outline of the compendium on the implementation of the Convention which the Committee was expected to submit to the Fourth World Conference on Women, to be held in Beijing in 1995, and possibly to other meetings as well. The Committee decided to introduce changes in the title, structure and contents of the document and prepared the following text, which also contains some details on how the document was drawn up.

825. The Committee decided that the title should be changed to "Report on progress achieved in the implementation of the Convention" and that the report should be expanded to include chapters on the following:

(a) Introduction;

(b) Origins of the Convention and practices of the Committee;

(c) Interpretation and implementation of the Convention;

(d) The future of the Convention and the Committee.

The content of each chapter will be as follows:

#### 1. Introduction

826. The report will emphasize that:

(a) The Convention on the Elimination of All Forms of Discrimination against Women is the first international treaty embodying the civil, political, social, economic and cultural rights of women. It therefore covers the full range of issues related to the role and position of women in public and private life and establishes the obligation of States parties to ensure the full development and advancement of women with the aim of guaranteeing the enjoyment and exercise of human rights and fundamental freedoms by women on a basis of equality with men. Consequently, the Convention is one of the international human rights treaties;

(b) The Convention not only embodies the rights covered by previous international conventions and treaties, but also defines them in a clearer and more detailed way in order to ensure that women will be able to exercise those rights. The Convention thus contains the basis for policies that States parties should develop to enable women to enjoy internationally recognized human rights de facto and not just de jure;

(c) The Convention has been ratified by 132 countries. Many of those countries have entered reservations. Reservations which were entered to articles 2 and 16 are of particular concern. Conversely, some countries which have not entered reservations continue to permit practices which contravene particular provisions of the Convention;

(d) In accordance with article 18 of the Convention, the States parties have undertaken to submit periodic reports on the implementation of the Convention for consideration by the Committee. As a mechanism for monitoring implementation of the Convention through a constructive dialogue with States parties and for making suggestions and general recommendations, the Committee contributes in a very important way to the advancement of human rights in keeping with the provisions of the 1993 Vienna Declaration and Programme of Action, with economic, social and cultural development in accordance with the conclusions of the World Summit for Social Development, and with the advancement of women, as provided for in the 1985 Nairobi Forward-looking Strategies for the Advancement of Women;

(e) In the light of the foregoing, the Convention is of special importance to the Fourth World Conference on Women. The report should illustrate the importance of the Convention to the Fourth World Conference. The Conference will give an impetus to the promotion of internationally recognized human rights and freedoms and will reactivate the enforcement of the provisions of the Convention. The Conference should encourage universal ratification of the Convention and the withdrawal of reservations entered with respect to it.

### 2. Origins of the Convention and practices of the Committee

827. This chapter should be drafted in accordance with the text of document CEDAW/C/1994/7.

### 3. Interpretation and implementation of the Convention

828. This chapter shall consist of three parts:

(a) A concise explanation of how the content of the Committee's recommendations, which has been expanded and made more specific, has developed. It should be noted that, while some of the recommendations refer to the format for the presentation of reports of States parties (recommendations 1, 2, 9 and 11), reservations (recommendation 4), the organization of the work of the Committee (recommendation 7) and the dissemination of the Convention (recommendation 10), most of them refer to some of the articles of the Convention. The recommendations that cover several articles should be mentioned and their texts restated in full (recommendations 12 and 19 concerning violence against women and 18 concerning disabled women);

(b) A section on each article, containing the following:

(i) The text of the recommendation or recommendations, if any, concerning the content of the article;

(ii) A comparative analysis of the implementation of the article in accordance with the first, second and, in some cases, third reports, based on a representative sample of reports of countries in different regions and at various levels of development;

(iii) Commentaries on the article, based on:

Contributions submitted by the members of the Committee prior to June 1994;

Reports submitted by States parties;

Contributions from the specialized agencies (the Secretariat should take into account the offers made by the representative of UNESCO to organize meetings of experts on some of the articles and by the representative of ILO to make technical contributions in the areas of its competence);

Contributions from non-governmental organizations.

4. The future of the Convention and the Committee

829. In this chapter, the Secretariat should include a reference to the Committee's proposals regarding an optional protocol and the programme of activities of the Centre for Human Rights. In any case, the chapter should refer to:

(a) The Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights, in which it is stipulated that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights. Accordingly, the human rights of women should form an integral part of the United Nations human rights activities, especially the promotion of the Convention and the analysis, from a gender perspective, of the implementation of the other international human rights treaties;

(b) Governments and intergovernmental and non-governmental organizations should intensify their efforts for the protection and promotion of the human rights of women and the girl child, on the basis of the Convention and the work of the Committee;

(c) The United Nations should further the aim of achieving, by the year 2000, universal ratification of the Convention, and should urge States to withdraw all reservations contrary to the purposes of the Convention or incompatible with international treaty law;

(d) General recommendation 19 of the Committee and information provided by States parties to the Committee on the issue of violence against women should be taken into account in the mandate and activities of the Special Rapporteur on violence against women;

(e) In order to achieve these objectives, it is essential for all women in the world, as soon as possible, to become aware and to make use of the Convention in defending their rights. To that end, various actions are needed:

(i) The United Nations should ensure that the Convention and the general recommendations of the Committee are translated into all languages and widely disseminated;

(ii) The Convention should be included in all United Nations programmes for the dissemination and teaching of human rights;

(iii) Those persons within the Governments of States parties who are responsible for the implementation of the Convention should receive training in its content, and its consideration by the academic community should be encouraged.

830. The Secretariat should send the draft of the report to the members of the Committee prior to October 1994.

## B. International Conference on Population and Development

831. At its 258th meeting, on 4 February, the Committee, on the basis of the report of Working Group III, adopted suggestion 6, containing its suggestion to the International Conference on Population and Development (for the text, see chap I, sect. B).

## C. World Summit for Social Development

832. The forthcoming World Summit for Social Development and ways in which the Committee should be involved therein were considered by Working Group II. It had before it a report of the Secretary-General which contained types of recommendations that could be considered by the Summit (A/CONF.166/PC/6). The following recommendations emerged from the discussion.

833. The Group took the view that the final document to be adopted by the Summit should take a gender approach to be reflected in all the texts. In addition, it should develop more thoroughly a section highlighting the importance of improving the status of women and giving adequate consideration to their needs in social development strategies. The Group also emphasized that the Summit and the document should take into account the serious social problems caused by adjustment policies, and the increasingly negative impact of such policies on the status of women. International financial institutions developing and imposing structural adjustment programmes, and Governments implementing those programmes, needed to pay attention to those facts and to formulate and implement differentiated measures to alleviate the impact of such programmes on women and children. It was stated that the Summit could not fail to discuss the responsibility of the developed countries, in terms of an ethical and political approach, in connection with the possibilities of and limits to social development in the developing countries.

834. The Group thought it highly desirable for the Committee to participate not only in the Summit, but also in the preparatory meetings to be held in New York in January-February 1994, August-September 1994, and January 1995. Two members of the Committee should participate in those preparatory meetings, one representing the developed countries, the other representing the developing countries. The purpose of their participation would be to follow the Summit with a view to helping States to understand that the Convention is an important normative instrument that may offer effective guidelines in social development initiatives, and that implementation of the Convention is indispensable to social development.

835. With an eye to the possibility that the Committee members might participate in the first preparatory meeting, the Working Group prepared a set of suggestions based on the examination of the report of the Secretary-General. The text of those suggestions is set out below.

836. Both meanings of the concept "social development" should include a clear understanding of the importance of women's issues to social development. Among the aspects of the human condition to be addressed is the problem of distribution of work between women and men which obtains in many societies. When women bear the greater burden of work, there is social injustice. Only

when women achieve equality in all aspects of life, including an equitable distribution of work between men and women, will a model of society which is more efficient and more just be achieved.

Overview of the social situation

837. In relation to poverty, to add to their plight, many women suffer from a lack of power and status within the family. Some of the obstacles they must overcome to achieve equality with men in private life are set out in general recommendation 21 of the Committee on the Elimination of Discrimination against Women. Violence against women in both their public and private lives is a widespread and serious problem affecting their ability to participate at all levels and in all sectors of society. Examination of States parties' reports to the Committee on the Elimination of Discrimination against Women demonstrates that violence against women seriously affects their ability to participate fully in public and family life.

Social integration

838. An examination of States parties' reports to the Committee on the Elimination of Discrimination against Women demonstrates that structural adjustments in some economies have had a serious impact on women's ability to participate in the workforce and as equal members of society. It is rare too that Governments move resolutely to work towards de facto equality for women. Education policy must strike an appropriate balance in particular, abolishing gender stereotyping so that women are portrayed as valued members of society. Traditionally, because they must care for their families as well as earn an income, and more recently because of the impact of structural adjustments in many countries, women play a significant role in the informal sector. Women in all societies continue to bear a disproportionate and inequitable burden of work, continuing to care for the family and contribute to its income, and in a significant proportion of families are sole breadwinners.

Poverty and employment

839. Structural readjustments in many economies have aggravated the problem of dissolution of households, and compounded the poverty of large numbers of women and the children for whom they care. Current efforts to assist families have not been fully adequate for protecting women who support households, frequently without financial assistance. With regard to employment, women who are themselves members of specific groups and who have particular roles to play in their support have particular requirements for active employment policies.

Types of recommendations that could be considered by the Summit

840. The World Conference on Human Rights urged the full and equal enjoyment by women of all human rights and that this be a priority for Governments and for the United Nations. The Conference also underlined the importance of the integration and full participation of women as both agents and beneficiaries in the development process and reiterated objectives established on global action for women towards sustainable and equitable development.

## VIII. PROVISIONAL AGENDA FOR THE FOURTEENTH SESSION OF THE COMMITTEE

841. The Committee considered the provisional agenda for its fourteenth session (agenda item 7), at its 238th meeting, on 19 January.

842. The Deputy Director of the Division for the Advancement of Women introduced the proposed agenda (CEDAW/C/1994/6, annex II).

843. On the basis of the report of Working Group I, the Committee decided, at its 256th meeting, to approve the following provisional agenda:

1. Opening of the session.

2. Solemn declaration by new members of the Committee.

3. Election of officers.

4. Adoption of the agenda and organization of work.

5. Background report of the Chairperson on the activities undertaken during the year.

6. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

   Documentation

   Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention

   Reports of States parties to be considered at the fourteenth session

7. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.

   Documentation

   Note by the Secretary-General on reports provided by specialized agencies

   Report of the Secretary-General: analysis of article 2 of the Convention

   Report of the Secretary-General on the implications for the work of the Committee of the priority themes of the Commission on the Status of Women

8. Ways and means of expediting the work of the Committee.

   Documentation

   Report of the Secretary-General on ways and means of expediting the work of the Committee

9. Consideration of the report of the fifth meeting of persons chairing the human rights treaty bodies and action taken by the General Assembly concerning treaty bodies.

Documentation

Report of the fifth meeting of persons chairing the human rights treaty bodies

10. Contribution of the Committee to forthcoming international conferences.

Documentation

Report of the Secretary-General transmitting the draft of the compendium on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

## IX. ADOPTION OF THE REPORT

844. At its 259th meeting, on 4 February 1994, the Committee adopted the report on its thirteenth session (CEDAW/C/1994/L.1 and Add.1-16), as orally amended.

### Notes

1/ See Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publications, Sales No. E.85.IV.10), chap. I, sect. A.

2/ A/CONF.157/24 (Part I), chap. III.

3/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), chap. I.

4/ A/CONF.157/24 (Part II), chap. III, sect. II, para. 40.

5/ Ibid., sect. I, para. 18.

6/ Ibid., sect. II, para. 5.

7/ See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 and corrigendum (A/45/38 and Corr.1), paras. 28-31.

8/ At its tenth session, the Committee had decided that, if States parties whose reports were overdue by the conclusion of that session so wished, they could submit a combined report to the Committee and that such reports should be numbered by the Secretariat in a way that facilitated their identification (Official Records of the General Assembly, Forty-sixth Session, Supplement No 38 (A/46/38), para. 370).

9/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), chap. I, sect. B.

10/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II.A.

Annex I

STATES PARTIES TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN AS AT 4 FEBRUARY 1994

| States parties | Date of receipt of the instrument of ratification or accession | Date of entry into force |
|---|---|---|
| Angola | 17 September 1986 a/ | 17 October 1986 |
| Antigua and Barbuda | 1 August 1989 a/ | 31 August 1989 |
| Argentina | 15 July 1985 b/ | 14 August 1985 |
| Armenia | 13 September 1993 a/ | 13 October 1993 |
| Australia | 28 July 1983 b/ | 27 August 1983 |
| Austria | 31 March 1982 b/ | 30 April 1982 |
| Bahamas | 6 October 1993 a/ | 5 November 1993 |
| Bangladesh | 6 November 1984 a/, b/ | 6 December 1984 |
| Barbados | 16 October 1980 | 3 September 1981 |
| Belarus | 4 February 1981 c/ | 3 September 1981 |
| Belgium | 10 July 1985 b/ | 9 August 1985 |
| Belize | 16 May 1990 | 15 June 1990 |
| Benin | 12 March 1992 | 11 April 1992 |
| Bhutan | 31 August 1981 | 30 September 1981 |
| Bolivia | 8 June 1990 | 8 July 1990 |
| Bosnia and Herzegovina | 1 September 1993 d/ | 1 October 1993 |
| Brazil | 1 February 1984 b/ | 2 March 1984 |
| Bulgaria | 8 February 1982 c/ | 10 March 1982 |
| Burkina Faso | 14 October 1987 a/ | 13 November 1987 |
| Burundi | 8 January 1992 | 7 February 1992 |
| Cambodia | 15 October 1992 a/ | 14 November 1992 |
| Canada | 10 December 1981 c/ | 9 January 1982 |
| Cape Verde | 5 December 1980 a/ | 3 September 1981 |
| Central African Republic | 21 June 1991 a/ | 21 July 1991 |
| Chile | 7 December 1989 | 6 January 1990 |
| China | 4 November 1980 b/ | 3 September 1981 |
| Colombia | 19 January 1982 | 18 February 1982 |
| Congo | 26 July 1982 | 25 August 1982 |
| Costa Rica | 4 April 1986 | 4 May 1986 |
| Croatia | 9 September 1992 d/ | 9 October 1992 |
| Cuba | 17 July 1980 b/ | 3 September 1981 |
| Cyprus | 23 July 1985 a/, b/ | 22 August 1985 |
| Czech Republic e/ | 22 February 1993 c/, d/ | 24 March 1993 |
| Denmark | 21 April 1983 | 21 May 1983 |
| Dominica | 15 September 1980 | 3 September 1981 |
| Dominican Republic | 2 September 1982 | 2 October 1982 |
| Ecuador | 9 November 1981 | 9 December 1981 |
| Egypt | 18 September 1981 b/ | 18 October 1981 |
| El Salvador | 19 August 1981 b/ | 18 September 1981 |
| Equatorial Guinea | 23 October 1984 a/ | 22 November 1984 |
| Estonia | 21 October 1991 a/ | 20 November 1991 |
| Ethiopia | 10 September 1981 b/ | 10 October 1981 |
| Finland | 4 September 1986 | 4 October 1986 |

| States parties | Date of receipt of the instrument of ratification or accession | Date of entry into force |
|---|---|---|
| France | 14 December 1983 b/, c/ | 13 January 1984 |
| Gabon | 21 January 1983 | 20 February 1983 |
| Gambia | 16 April 1993 | 16 May 1993 |
| Germany f/ | 10 July 1985 b/ | 9 August 1985 |
| Ghana | 2 January 1986 | 1 February 1986 |
| Greece | 7 June 1983 | 7 July 1983 |
| Grenada | 30 August 1990 | 29 September 1990 |
| Guatemala | 12 August 1982 | 11 September 1982 |
| Guinea | 9 August 1982 | 8 September 1982 |
| Guinea-Bissau | 23 August 1985 | 22 September 1985 |
| Guyana | 17 July 1980 | 3 September 1981 |
| Haiti | 20 July 1981 | 3 September 1981 |
| Honduras | 3 March 1983 | 2 April 1983 |
| Hungary | 22 December 1980 c/ | 3 September 1981 |
| Iceland | 18 June 1985 | 18 July 1985 |
| India | 9 July 1993 b/ | 8 August 1993 |
| Indonesia | 13 September 1984 b/ | 13 October 1984 |
| Iraq | 13 August 1986 a/, b/ | 12 September 1986 |
| Ireland | 23 December 1985 a/, b/, c/ | 22 January 1986 |
| Israel | 3 October 1991 b/ | 2 November 1991 |
| Italy | 10 June 1985 b/ | 10 July 1985 |
| Jamaica | 19 October 1984 b/ | 18 November 1984 |
| Japan | 25 June 1985 | 25 July 1985 |
| Jordan | 1 July 1992 b/ | 31 July 1992 |
| Kenya | 9 March 1984 a/ | 8 April 1984 |
| Lao People's Democratic Republic | 14 August 1981 | 13 September 1981 |
| Latvia | 14 April 1992 a/ | 14 May 1992 |
| Liberia | 17 July 1984 a/ | 16 August 1984 |
| Libyan Arab Jamahiriya | 16 May 1989 a/, b/ | 15 June 1989 |
| Lithuania | 18 January 1994 a/ | 17 February 1994 |
| Luxembourg | 2 February 1989 b/ | 4 March 1989 |
| Madagascar | 17 March 1989 | 16 April 1989 |
| Malawi | 12 March 1987 a/, c/ | 11 April 1987 |
| Maldives | 1 July 1993 a/, b/ | 31 July 1993 |
| Mali | 10 September 1985 | 10 October 1985 |
| Malta | 8 March 1991 a/, b/ | 7 April 1991 |
| Mauritius | 9 July 1984 a/, b/ | 8 August 1984 |
| Mexico | 23 March 1981 b/ | 3 September 1981 |
| Mongolia | 20 July 1981 c/ | 3 September 1981 |
| Morocco | 21 June 1993 a/, b/ | 21 July 1993 |
| Namibia | 23 November 1992 a/ | 23 December 1992 |
| Nepal | 22 April 1991 | 22 May 1991 |
| Netherlands | 23 July 1991 b/ | 22 August 1991 |
| New Zealand | 10 January 1985 b/, c/ | 9 February 1985 |
| Nicaragua | 27 October 1981 | 26 November 1981 |
| Nigeria | 13 June 1985 | 13 July 1985 |
| Norway | 21 May 1981 | 3 September 1981 |
| Panama | 29 October 1981 | 28 November 1981 |

| States parties | Date of receipt of the instrument of ratification or accession | Date of entry into force |
|---|---|---|
| Paraguay | 6 April 1987 a/ | 6 May 1987 |
| Peru | 13 September 1982 | 13 October 1982 |
| Philippines | 5 August 1981 | 4 September 1981 |
| Poland | 30 July 1980 b/ | 3 September 1981 |
| Portugal | 30 July 1980 | 3 September 1981 |
| Republic of Korea | 27 December 1984 b/, c/ | 26 January 1985 |
| Romania | 7 January 1982 b/ | 6 February 1982 |
| Russian Federation | 23 January 1981 c/ | 3 September 1981 |
| Rwanda | 2 March 1981 | 3 September 1981 |
| Saint Kitts and Nevis | 25 April 1985 a/ | 25 May 1985 |
| Saint Lucia | 8 October 1982 a/ | 7 November 1982 |
| Saint Vincent and the Grenadines | 4 August 1981 a/ | 3 September 1981 |
| Samoa | 25 September 1992 a/ | 25 October 1992 |
| Senegal | 5 February 1985 | 7 March 1985 |
| Seychelles | 5 May 1992 a/ | 4 June 1992 |
| Sierra Leone | 11 November 1988 | 11 December 1988 |
| Slovakia e/ | 28 May 1993 c/, d/ | 27 June 1993 |
| Slovenia | 6 July 1992 d/ | 5 August 1992 |
| Spain | 5 January 1984 b/ | 4 February 1984 |
| Sri Lanka | 5 October 1981 | 4 November 1981 |
| Suriname | 1 March 1993 a/ | 31 March 1993 |
| Sweden | 2 July 1980 | 3 September 1981 |
| Tajikistan | 26 October 1993 a/ | 25 November 1993 |
| Thailand | 9 August 1985 a/, b/, c/ | 8 September 1985 |
| The former Yugoslav Republic of Macedonia | 18 January 1994 d/ | 17 February 1994 |
| Togo | 26 September 1983 a/ | 26 October 1983 |
| Trinidad and Tobago | 12 January 1990 b/ | 11 February 1990 |
| Tunisia | 20 September 1985 b/ | 20 October 1985 |
| Turkey | 20 December 1985 a/, b/ | 19 January 1986 |
| Uganda | 22 July 1985 | 21 August 1985 |
| Ukraine | 12 March 1981 c/ | 3 September 1981 |
| United Kingdom of Great Britain and Northern Ireland | 7 April 1986 b/ | 7 May 1986 |
| United Republic of Tanzania | 20 August 1985 | 19 September 1985 |
| Uruguay | 9 October 1981 | 8 November 1981 |
| Venezuela | 2 May 1983 b/ | 1 June 1983 |
| Viet Nam | 17 February 1982 b/ | 19 March 1982 |
| Yemen g/ | 30 May 1984 a/, b/ | 29 June 1984 |
| Yugoslavia | 26 February 1982 | 28 March 1982 |
| Zaire | 17 October 1986 | 16 November 1986 |
| Zambia | 21 June 1985 | 21 July 1985 |
| Zimbabwe | 13 May 1991 a/ | 12 June 1991 |

(Footnotes on following page)

(Footnotes to annex I)

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a/ Accession.

b/ Declarations and reservations.

c/ Reservation subsequently withdrawn.

d/ Succession.

e/ Before becoming separate States on 1 January 1993, the Czech Republic and Slovakia formed part of Czechoslovakia, which State had ratified the Convention on 16 February 1982.

f/ With effect from 3 October 1990, the German Democratic Republic (which ratified the Convention on 9 July 1980) and the Federal Republic of Germany (which ratified the Convention on 10 July 1985) united to form one sovereign State, which acts in the United Nations under the designation "Germany".

g/ On 22 May 1990 Democratic Yemen and Yemen merged to form a single State, which acts in the United Nations under the designation "Yemen".

## Annex II

## MEMBERSHIP OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

| Name of member | Country of nationality |
|---|---|
| Charlotte Abaka* | Ghana |
| Ryoko Akamatsu* | Japan |
| Emna Aouij* | Tunisia |
| Gül Aykor** | Turkey |
| Dora Bravo Nuñez de Ramsey* | Ecuador |
| Carlota Bustelo García del Real** | Spain |
| Silvia Rose Cartwright** | New Zealand |
| Ivanka Corti* | Italy |
| Norma Monica Forde* | Barbados |
| Evangelina García-Prince** | Venezuela |
| Liliana Gurdulich de Correa** | Argentina |
| Zagorka Ilic* | Yugoslavia |
| Salma Khan** | Bangladesh |
| Lin Shangzhen* | China |
| Pirkko Anneli Mäkinen** | Finland |
| Elsa Victoria Muñoz-Gómez** | Colombia |
| Tatiana Nikolaeva* | Russian Federation |
| Ahoua Ouedraogo** | Burkina Faso |
| Teresita Quintos-Deles* | Philippines |
| Hanna Beate Schöpp-Schilling** | Germany |
| Kongit Sinegiorgis** | Ethiopia |
| Mervat Tallawy* | Egypt |
| Rose N. Ukeje* | Nigeria |

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* Term of office expires in 1994.

** Term of office expires in 1996.

## Annex III

## DOCUMENTS BEFORE THE COMMITTEE AT ITS THIRTEENTH SESSION

| Document number | Title or description |
|---|---|
| CEDAW/C/1994/1 | Provisional agenda and annotations |
| CEDAW/C/1994/2 | Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention |
| CEDAW/C/1994/3 | Note by the Secretary-General on reports of specialized agencies on the implementation of the Convention in areas falling within the scope of their activities |
| CEDAW/C/1994/3/Add.1 | Report of the World Health Organization |
| CEDAW/C/1994/3/Add.2 | Report of the International Labour Organization |
| CEDAW/C/1994/3/Add.3 | Report of the United Nations Educational, Scientific and Cultural Organization |
| CEDAW/C/1994/3/Add.4 | Report of the Food and Agriculture Organization of the United Nations |
| CEDAW/C/1994/4 | Report of the Secretariat on the analysis of articles 7 and 8 of the Convention |
| CEDAW/C/1994/5 | Report of the Secretariat on the implications for the work of the Committee of the priority themes of the Commission on the Status of Women |
| CEDAW/C/1994/6 | Report of the Secretariat on ways and means of expediting the work of the Committee |
| CEDAW/C/1994/7 | Outline of the draft of the updated compendium on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women |
| CEDAW/C/1994/CRP.1 | Proposed organization of work of the Committee |
| CEDAW/C/1994/CRP.2 | Report of the pre-session working group |
| CEDAW/C/1994/INF.1/Rev.2 | List of participants |
| CEDAW/C/1994/L.1 and Add.1-16 | Draft report of the Committee |
| CEDAW/C/1994/WP.1, 3, 4 and 6-16 | General comments of the Committee on the reports of the States parties |

| Document number | Title or description |
|---|---|
| CEDAW/C/1994/WG.I/WP.1 and Rev.1 | Report of Working Group I |
| CEDAW/C/1994/WG.II/WP.1, 2 and Rev.1 and 4 | Report of Working Group II |
| CEDAW/C/1994/WG.III/WP.1 | Report of Working Group III |

Reports of States parties

| | |
|---|---|
| CEDAW/C/AUL/2 | Second periodic report of Australia |
| CEDAW/C/BAR/2-3 | Combined second and third periodic reports of Barbados |
| CEDAW/C/COL/2-3/Rev.1 | Combined second and third periodic reports of Colombia |
| CEDAW/C/13/Add.31 | Second periodic report of Ecuador |
| CEDAW/C/ECU/3 | Third periodic report of Ecuador |
| CEDAW/C/GUA/1-2 and Corr.1 and Amend.1 | Combined initial and second periodic reports of Guatemala |
| CEDAW/C/5/Add.63 | Initial report of Guyana |
| CEDAW/C/JPN/2 | Second periodic report of Japan |
| CEDAW/C/JPN/3 | Third periodic report of Japan |
| CEDAW/C/LIB/1 and Add.1 | Initial report of the Libyan Arab Jamahiriya |
| CEDAW/C/5/Add.65/Rev.2 | Initial report of Madagascar |
| CEDAW/C/NET/1 and Add.1-3 | Initial report of the Netherlands |
| CEDAW/C/NZL/2 and Add.1 | Second periodic report of New Zealand |
| CEDAW/C/SEN/2 and Amend.1 | Second periodic report of Senegal |
| CEDAW/C/ZAM/1-2 | Combined initial and second periodic reports of Zambia |
| CEDAW/C/YUG/SP.1 | Report submitted on an exceptional basis by the Federal Republic of Yugoslavia (Serbia and Montenegro) |

Annex IV

STATUS OF SUBMISSION AND CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN AS AT 4 FEBRUARY 1994

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| A. | Initial reports due and submitted as at 4 February 1994 | | |
| Angola | 17 October 1987 | | |
| Antigua and Barbuda | 31 August 1990 | | |
| Argentina | 14 August 1986 | 6 October 1986 (CEDAW/C/5/Add.39) | Seventh (1988) |
| Australia | 27 August 1984 | 3 October 1986 (CEDAW/C/5/Add.40) | Seventh (1988) |
| Austria | 30 April 1983 | 20 October 1983 (CEDAW/C/5/Add.17) | Fourth (1985) |
| Bangladesh | 6 December 1985 | 12 March 1986 (CEDAW/C/5/Add.34) | Sixth (1987) |
| Barbados | 3 September 1982 | 11 April 1990 (CEDAW/C/5/Add.64) | Eleventh (1992) |
| Belarus | 3 September 1982 | 4 October 1982 (CEDAW/C/5/Add.5) | Second (1983) |
| Belgium | 9 August 1986 | 20 July 1987 (CEDAW/C/5/Add.53) | Eighth (1989) |
| Belize | 15 June 1991 | | |
| Benin | 11 April 1993 | | |
| Bhutan | 30 September 1982 | | |
| Bolivia | 8 July 1991 | 8 July 1991 (CEDAW/C/BOL/1) 26 August 1993 (CEDAW/C/BOL/1/Add.1) | |
| Brazil | 2 March 1985 | | |
| Bulgaria | 10 March 1983 | 13 June 1983 (CEDAW/C/5/Add.15) | Fourth (1985) |
| Burkina Faso | 13 November 1988 | 24 May 1990 (CEDAW/C/5/Add.67) | Tenth (1991) |
| Burundi | 7 February 1993 | | |
| Cambodia | 14 November 1993 | | |
| Canada | 9 January 1983 | 15 July 1983 (CEDAW/C/5/Add.16) | Fourth (1985) |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| Cape Verde | 3 September 1982 | | |
| Central African Republic | 21 July 1992 | | |
| Chile | 6 January 1991 | 3 September 1991 (CEDAW/C/CHI/1) | |
| China | 3 September 1982 | 25 May 1983 (CEDAW/C/5/Add.14) | Third (1984) |
| Colombia | 18 February 1983 | 16 January 1986 (CEDAW/C/5/Add.32) | Sixth (1987) |
| Congo | 25 August 1983 | | |
| Costa Rica | 4 May 1987 | | |
| Croatia | 9 October 1993 | | |
| Cuba | 3 September 1982 | 27 September 1982 (CEDAW/C/5/Add.4) | Second (1983) |
| Cyprus | 22 August 1986 | 2 February 1994 (CEDAW/C/CYP/1-2) | |
| Denmark | 21 May 1984 | 30 July 1984 (CEDAW/C/5/Add.22) | Fifth (1986) |
| Dominica | 3 September 1982 | | |
| Dominican Republic | 2 October 1983 | 2 May 1986 (CEDAW/C/5/Add.37) | Seventh (1988) |
| Ecuador | 9 December 1982 | 14 August 1984 (CEDAW/C/5/Add.23) | Fifth (1986) |
| Egypt | 18 October 1982 | 2 February 1983 (CEDAW/C/5/Add.10) | Third (1984) |
| El Salvador | 18 September 1982 | 3 November 1983 (CEDAW/C/5/Add.19) | Fifth (1986) |
| Equatorial Guinea | 22 November 1985 | 16 March 1987 (CEDAW/C/5/Add.50) | Eighth (1989) |
| Estonia | 20 November 1992 | | |
| Ethiopia | 10 October 1982 | 22 April 1993 (CEDAW/C/ETH/1-3) | |
| Finland | 4 October 1987 | 16 February 1988 (CEDAW/C/5/Add.56) | Eighth (1989) |
| France | 13 January 1985 | 13 February 1986 (CEDAW/C/5/Add.33) | Sixth (1987) |
| Gabon | 20 February 1984 | 19 June 1987 (CEDAW/C/5/Add.54) | Eighth (1989) |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| Germany | 9 August 1986 | 15 September 1988 (CEDAW/C/5/Add.59) | Ninth (1990) |
| Ghana | 1 February 1987 | 29 January 1991 (CEDAW/C/GHA/1-2) | Eleventh (1992) |
| Greece | 7 July 1984 | 5 April 1985 (CEDAW/C/5/Add.28) | Sixth (1987) |
| Grenada | 29 September 1991 | | |
| Guatemala | 11 September 1983 | 2 April 1991 (CEDAW/C/GUA/1-2 and Corr.1) | Thirteenth (1994) |
| | | 7 April 1993 (CEDAW/C/GUA/1-2/Amend.1) | Thirteenth (1994) |
| Guinea | 8 September 1983 | | |
| Guinea-Bissau | 22 September 1986 | | |
| Guyana | 3 September 1982 | 23 January 1990 (CEDAW/C/5/Add.63) | Thirteenth (1994) |
| Haiti | 3 September 1982 | | |
| Honduras | 2 April 1984 | 3 December 1986 (CEDAW/C/5/Add.44) | Eleventh (1992) |
| Hungary | 3 September 1982 | 20 September 1982 (CEDAW/C/5/Add.3) | Third (1984) |
| Iceland | 18 July 1986 | 5 May 1993 (CEDAW/C/ICE/1-2) | |
| Indonesia | 13 October 1985 | 17 March 1986 (CEDAW/C/5/Add.36) | Seventh (1988) |
| Iraq | 12 September 1987 | 16 May 1990 (CEDAW/C/5/Add.66/Rev.1) | Twelfth (1993) |
| Ireland | 22 January 1987 | 18 February 1987 (CEDAW/C/5/Add.47) | Eighth (1989) |
| Israel | 2 November 1992 | 12 January 1994 (CEDAW/C/ISR/1) | |
| Italy | 10 July 1986 | 20 October 1989 (CEDAW/C/5/Add.62) | Tenth (1991) |
| Jamaica | 18 November 1985 | 12 September 1986 (CEDAW/C/5/Add.38) | Seventh (1988) |
| Japan | 25 July 1986 | 13 March 1987 (CEDAW/C/5/Add.48) | Seventh (1988) |
| Jordan | 31 July 1993 | | |
| Kenya | 8 April 1985 | 4 December 1990 (CEDAW/C/KEN/1-2) | Twelfth (1993) |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| Lao People's Democratic Republic | 13 September 1982 | | |
| Latvia | 14 May 1993 | | |
| Liberia | 16 August 1985 | | |
| Libyan Arab Jamahiriya | 15 June 1990 | 18 February 1991 (CEDAW/C/LIB/1)<br>4 October 1993 (CEDAW/C/LIB/1/Add.1) | Thirteenth (1994)<br>Thirteenth (1994) |
| Luxembourg | 4 March 1990 | | |
| Madagascar | 16 April 1990 | 21 May 1990 (CEDAW/C/5/Add.65)<br>8 November 1993 (CEDAW/C/5/Add.65/Rev.2) | <br>Thirteenth (1994) |
| Malawi | 11 April 1988 | 15 July 1988 (CEDAW/C/5/Add.58) | Ninth (1990) |
| Mali | 10 October 1986 | 13 November 1986 (CEDAW/C/5/Add.43) | Seventh (1988) |
| Malta | 7 April 1992 | | |
| Mauritius | 8 August 1985 | 23 February 1992 (CEDAW/C/MAR/1-2) | |
| Mexico | 3 September 1982 | 14 September 1982 (CEDAW/C/5/Add.2) | Second (1983) |
| Mongolia | 3 September 1982 | 18 November 1983 (CEDAW/C/5/Add.20) | Fifth (1986) |
| Namibia | 23 December 1993 | | |
| Nepal | 22 May 1992 | | |
| Netherlands | 22 August 1992 | 19 November 1992 (CEDAW/C/NET/1)<br>17 September 1993 CEDAW/C/NET/1/Add.1<br>20 September 1993 (CEDAW/C/NET/1/Add.2)<br>9 October 1993 CEDAW/C/NET/1/Add.3 | }<br>}<br>}<br>Thirteenth (1994)<br>}<br>} |
| New Zealand | 9 February 1986 | 3 October 1986 (CEDAW/C/5/Add.41) | Seventh (1988) |
| Nicaragua | 26 November 1982 | 22 September 1987 (CEDAW/C/5/Add.55) | Eighth (1989) |
| Nigeria | 13 July 1986 | 1 April 1987 (CEDAW/C/5/Add.49) | Seventh (1987) |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| Norway | 3 September 1982 | 18 November 1982 (CEDAW/C/5/Add.7) | Third (1984) |
| Panama | 28 November 1982 | 12 December 1982 (CEDAW/C/5/Add.9) | Fourth (1985) |
| Paraguay | 6 May 1988 | 4 June 1992 (CEDAW/C/PAR/1-2) | |
| Peru | 13 October 1983 | 14 September 1988 (CEDAW/C/5/Add.60) | Ninth (1990) |
| Philippines | 4 September 1982 | 22 October 1982 (CEDAW/C/5/Add.6) | Third (1984) |
| Poland | 3 September 1982 | 10 October 1985 (CEDAW/C/5/Add.31) | Sixth (1987) |
| Portugal | 3 September 1982 | 19 July 1983 (CEDAW/C/5/Add.21) | Fifth (1986) |
| Republic of Korea | 26 January 1986 | 13 March 1986 (CEDAW/C/5/Add.35) | Sixth (1987) |
| Romania | 6 February 1983 | 14 January 1987 (CEDAW/C/5/Add.45) | Twelfth (1993) |
| Russian Federation | 3 September 1982 | 2 March 1983 (CEDAW/C/5/Add.12) | Second (1983) |
| Rwanda | 3 September 1982 | 24 May 1983 (CEDAW/C/5/Add.13) | Third (1984) |
| Saint Kitts and Nevis | 25 May 1986 | | |
| Saint Lucia | 7 November 1983 | | |
| Saint Vincent and the Grenadines | 3 September 1982 | 27 September 1991 (CEDAW/C/STV/1-3) | |
| Samoa | 25 October 1993 | | |
| Senegal | 7 March 1986 | 5 November 1986 (CEDAW/C/5/Add.42) | Seventh (1988) |
| Seychelles | 4 June 1993 | | |
| Sierra Leone | 11 December 1989 | | |
| Slovenia | 5 August 1993 | 23 November 1993 (CEDAW/C/SVN/1) | |
| Spain | 4 February 1985 | 20 August 1985 (CEDAW/C/5/Add.30) | Sixth (1987) |
| Sri Lanka | 4 November 1982 | 7 July 1985 (CEDAW/C/5/Add.29) | Sixth (1987) |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| Sweden | 3 September 1982 | 22 October 1982 (CEDAW/C/5/Add.8) | Second (1983) |
| Thailand | 8 September 1986 | 1 June 1987 (CEDAW/C/5/Add.51) | Ninth (1990) |
| Togo | 26 October 1984 | | |
| Trinidad and Tobago | 11 February 1991 | | |
| Tunisia | 20 October 1986 | 17 September 1993 (CEDAW/C/TUN/1 | |
| Turkey | 19 January 1987 | 27 January 1987 (CEDAW/C/5/Add.46) | Ninth (1990) |
| Uganda | 21 August 1986 | 1 June 1992 (CEDAW/C/UGA/1-2) | |
| Ukraine | 3 September 1982 | 2 March 1983 (CEDAW/C/5/Add.11) | Second (1983) |
| United Kingdom of Great Britain and Northern Ireland | 7 May 1987 | 25 June 1987 (CEDAW/C/5/Add.52) | Ninth (1990) |
| United Republic of Tanzania | 19 September 1986 | 9 March 1988 (CEDAW/C/5/Add.57) | Ninth (1990) |
| Uruguay | 8 November 1982 | 23 November 1984 (CEDAW/C/5/Add.27) | Seventh (1988) |
| Venezuela | 1 June 1984 | 27 August 1984 (CEDAW/C/5/Add.24) | Fifth (1986) |
| Viet Nam | 19 March 1983 | 2 October 1984 (CEDAW/C/5/Add.25) | Fifth (1986) |
| Yemen | 29 June 1985 | 23 January 1989 (CEDAW/C/5/Add.61) | Twelfth (1993) |
| Yugoslavia | 28 March 1983 | 3 November 1983 (CEDAW/C/5/Add.18) | Fourth (1985) |
| Zaire | 16 November 1987 | | |
| Zambia | 21 July 1986 | 6 March 1991 (CEDAW/C/ZAM/1-2) | Thirteenth (1994) |
| Zimbabwe | 12 June 1992 | | |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| B. Second periodic reports due and submitted as at 4 February 1994 | | | |
| Angola | 17 October 1991 | | |
| Argentina | 14 August 1990 | 13 February 1992 (CEDAW/C/ARG/2) | |
| Australia | 27 August 1988 | 24 July 1992 (CEDAW/C/AUL/2) | Thirteenth (1994) |
| Austria | 30 April 1987 | 18 December 1989 (CEDAW/C/13/Add.27) | Tenth (1991) |
| Bangladesh | 6 December 1989 | 23 February 1990 (CEDAW/C/13/Add.30) | Twelfth (1993) |
| Barbados | 3 September 1986 | 4 December 1991 (CEDAW/C/BAR/2-3) | Thirteenth (1994) |
| Belarus | 3 September 1986 | 3 March 1987 (CEDAW/C/13/Add.5) | Eighth (1989) |
| Belgium | 9 August 1990 | 9 February 1993 (CEDAW/C/BEL/2) | |
| Bhutan | 30 September 1986 | | |
| Brazil | 2 March 1989 | | |
| Bulgaria | 10 March 1987 | | |
| Burkina Faso | 13 November 1992 | | |
| Canada | 9 January 1987 | 20 January 1988 (CEDAW/C/13/Add.11) | Ninth (1990) |
| Cape Verde | 3 September 1986 | | |
| China | 3 September 1986 | 22 June 1989 (CEDAW/C/13/Add.26) | Eleventh (1992) |
| Colombia | 18 February 1987 | 14 January 1993 (CEDAW/C/COL/2-3)<br>2 September 1993 (CEDAW/C/COL/2-3/Rev.1) | Thirteenth (1994) |
| Congo | 25 August 1987 | | |
| Costa Rica | 4 May 1991 | | |
| Cuba | 3 September 1986 | 13 March 1992 (CEDAW/C/CUB/2-3) | |
| Cyprus | 22 August 1990 | | |
| Denmark | 21 May 1988 | 2 June 1988 (CEDAW/C/13/Add.14) | Tenth (1991) |
| Dominica | 3 September 1986 | | |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| Dominican Republic | 2 October 1987 | 26 April 1993 (CEDAW/C/DOM/2-3) | |
| Ecuador | 9 December 1986 | 28 May 1990 (CEDAW/C/13/Add.31) | Thirteenth (1994) |
| Egypt | 18 October 1986 | 19 December 1986 (CEDAW/C/13/Add.2) | Ninth (1990) |
| El Salvador | 18 September 1986 | 18 December 1987 (CEDAW/C/13/Add.12) | Eleventh (1992) |
| Equatorial Guinea | 22 November 1989 | 6 January 1994 (CEDAW/C/GNQ/2-3) | |
| Ethiopia | 10 October 1986 | 22 April 1993 (CEDAW/C/ETH/1-3) | |
| Finland | 4 October 1991 | 9 February 1993 (CEDAW/C/FIN/2) | |
| France | 13 January 1989 | 10 December 1990 (CEDAW/C/FRA/2) (CEDAW/C/FRA/2/Rev.1) | Twelfth (1993) |
| Gabon | 20 February 1988 | | |
| Germany | 9 August 1990 | | |
| Ghana | 1 February 1991 | 29 January 1991 (CEDAW/C/GHA/1-2) | Eleventh (1992) |
| Greece | 7 July 1988 | | |
| Guatemala | 11 September 1987 | 2 April 1991 (CEDAW/C/GUA/1-2 and Corr.1) | Thirteenth (1994) |
| | | 7 April 1993 (CEDAW/C/GUA/1-2/Amend.1) | Thirteenth (1994) |
| Guinea | 8 September 1987 | | |
| Guinea-Bissau | 22 September 1990 | | |
| Guyana | 3 September 1986 | | |
| Haiti | 3 September 1986 | | |
| Honduras | 2 April 1988 | 28 October 1987 (CEDAW/C/13/Add.9) | Eleventh (1992) |
| Hungary | 3 September 1986 | 29 September 1986 (CEDAW/C/13/Add.1) | Seventh (1988) |
| Iceland | 18 July 1990 | 5 May 1993 (CEDAW/C/ICE/1-2) | |
| Indonesia | 13 October 1989 | | |
| Iraq | 12 September 1991 | | |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| Ireland | 22 January 1991 | | |
| Italy | 10 July 1990 | | |
| Jamaica | 18 November 1989 | | |
| Japan | 25 July 1990 | 21 February 1992 (CEDAW/C/JPN/2) | Thirteenth (1994) |
| Kenya | 8 April 1989 | 4 December 1990 (CEDAW/C/KEN/1-2) | Twelfth (1993) |
| Lao People's Democratic Republic | 13 September 1986 | | |
| Liberia | 16 August 1989 | | |
| Malawi | 11 April 1992 | | |
| Mali | 10 October 1990 | | |
| Mauritius | 8 August 1989 | 23 February 1992 (CEDAW/C/MAR/1-2) | |
| Mexico | 3 September 1986 | 3 December 1987 (CEDAW/C/13/Add.10) | Ninth (1990) |
| Mongolia | 3 September 1986 | 17 March 1987 (CEDAW/C/13/Add.7) | Ninth (1990) |
| New Zealand | 9 February 1990 | 3 November 1992 (CEDAW/C/NZE/2)<br>27 October 1993 (CEDAW/C/NZE/2/Add.1) | Thirteenth (1994)<br>Thirteenth (1994) |
| Nicaragua | 26 November 1986 | 16 March 1989 (CEDAW/C/13/Add.20) | Twelfth (1993) |
| Nigeria | 13 July 1990 | | |
| Norway | 3 September 1986 | 23 June 1988 (CEDAW/C/13/Add.15) | Tenth (1991) |
| Panama | 28 November 1986 | | |
| Paraguay | 6 May 1992 | 4 June 1992 (CEDAW/C/PAR/1-2) | |
| Peru | 13 October 1987 | 13 February 1990 (CEDAW/C/13/Add.29) | |
| Philippines | 4 September 1986 | 12 December 1988 (CEDAW/C/13/Add.17) | Tenth (1991) |
| Poland | 3 September 1986 | 17 November 1988 (CEDAW/C/13/Add.16) | Tenth (1991) |
| Portugal | 3 September 1986 | 18 May 1989 (CEDAW/C/13/Add.22) | Tenth (1991) |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| Republic of Korea | 26 January 1990 | 19 December 1989 (CEDAW/C/13/Add.28 and Corr.1) | Twelfth (1993) |
| Romania | 6 February 1987 | 19 October 1992 (CEDAW/C/ROM/2-3) | Twelfth (1993) |
| Russian Federation | 3 September 1986 | 10 February 1987 (CEDAW/C/13/Add.4) | Eighth (1989) |
| Rwanda | 3 September 1986 | 7 March 1988 (CEDAW/C/13/Add.13) | Tenth (1991) |
| Saint Kitts and Nevis | 25 May 1990 | | |
| Saint Lucia | 7 November 1987 | | |
| Saint Vincent and the Grenadines | 3 September 1986 | 27 September 1991 (CEDAW/C/STV/1-3) | |
| Senegal | 7 March 1990 | 23 September 1991 (CEDAW/C/SEN/2) (CEDAW/C/SEN/2/Amend.1) | Thirteenth (1994) |
| Sierra Leone | 11 December 1993 | | |
| Spain | 4 February 1989 | 9 February 1989 (CEDAW/C/13/Add.19) | Eleventh (1992) |
| Sri Lanka | 4 November 1986 | 29 December 1988 (CEDAW/C/13/Add.18) | Eleventh (1992) |
| Sweden | 3 September 1986 | 10 March 1987 (CEDAW/C/13/Add.6) | Seventh (1988) |
| Thailand | 8 September 1990 | | |
| Togo | 26 October 1988 | | |
| Tunisia | 20 October 1990 | | |
| Turkey | 19 January 1991 | 7 February 1994 (CEDAW/C/TUR/2) | |
| Uganda | 21 August 1990 | 1 June 1992 (CEDAW/C/UGA/1-2) | |
| Ukraine | 3 September 1986 | 13 August 1987 (CEDAW/C/13/Add.8) | Ninth (1990) |
| United Kingdom of Great Britain and Northern Ireland | 7 May 1991 | 11 May 1991 (CEDAW/C/UK/2) (CEDAW/C/UK/2/Amend.1) | Twelfth (1993) |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| United Republic of Tanzania | 19 September 1990 | | |
| Uruguay | 8 November 1986 | | |
| Venezuela | 1 June 1988 | 18 April 1989 (CEDAW/C/13/Add.21) | Eleventh (1992) |
| Viet Nam | 19 March 1987 | | |
| Yemen | 29 June 1989 | 8 June 1989 (CEDAW/C/13/Add.24) (CEDAW/C/13/Add.24/Amend.1) | Twelfth (1993) |
| Yugoslavia | 28 March 1987 | 31 May 1989 (CEDAW/C/13/Add.23) | Tenth (1991) |
| Zaire | 16 November 1991 | | |
| Zambia | 21 July 1990 | 6 March 1991 (CEDAW/C/ZAM/1-2) | Thirteenth (1994) |

C. Third periodic reports due and submitted as at 4 February 1994

| | | | |
|---|---|---|---|
| Australia | 27 August 1992 | | |
| Austria | 30 April 1991 | | |
| Bangladesh | 6 December 1993 | 26 January 1993 (CEDAW/C/BDG/3) | |
| Barbados | 3 September 1990 | 4 December 1991 (CEDAW/C/BAR/2-3) | Thirteenth (1994) |
| Belarus | 3 September 1990 | 1 July 1993 (CEDAW/C/BLR/3) | |
| Bhutan | 30 September 1990 | | |
| Brazil | 2 March 1993 | | |
| Bulgaria | 10 March 1991 | | |
| Canada | 9 January 1991 | 9 September 1992 (CEDAW/C/CAN/3) | |
| Cape Verde | 3 September 1990 | | |
| China | 3 September 1990 | | |
| Colombia | 18 February 1991 | 14 January 1993 (CEDAW/C/COL/2-3) 2 September 1993 (CEDAW/C/COL/2-3/Rev.1) | Thirteenth (1994) |
| Congo | 25 August 1991 | | |
| Cuba | 3 September 1990 | 13 March 1992 (CEDAW/C/CUB/2-3) | |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| Denmark | 21 May 1992 | 7 May 1993 (CEDAW/C/DEN/3) | |
| Dominica | 3 September 1990 | | |
| Dominican Republic | 2 October 1991 | 26 April 1993 (CEDAW/C/DOM/2-3) | |
| Ecuador | 9 December 1990 | 23 December 1991 (CEDAW/C/ECU/3) | Thirteenth (1994) |
| Egypt | 18 October 1990 | | |
| El Salvador | 18 September 1990 | | |
| Equatorial Guinea | 22 November 1993 | | |
| Ethiopia | 10 October 1990 | 22 April 1993 (CEDAW/C/ETH/1-3) | |
| France | 13 January 1993 | | |
| Gabon | 20 February 1992 | | |
| Greece | 7 July 1992 | | |
| Guatemala | 11 September 1991 | | |
| Guinea | 8 September 1991 | | |
| Guyana | 3 September 1990 | | |
| Haiti | 3 September 1990 | | |
| Honduras | 2 April 1992 | 31 May 1991 (CEDAW/C/HON/3) | Eleventh (1992) |
| Hungary | 3 September 1990 | 4 April 1991 (CEDAW/C/HUN/3) | |
| Indonesia | 13 October 1993 | | |
| Jamaica | 18 November 1993 | | |
| Japan | 25 July 1994 | 28 October 1993 (CEDAW/C/JPN/3) | Thirteenth (1994) |
| Kenya | 8 April 1993 | | |
| Lao People's Democratic Republic | 13 September 1990 | | |
| Liberia | 16 August 1993 | | |
| Mauritius | 8 August 1993 | | |
| Mexico | 3 September 1990 | 1 December 1992 (CEDAW/C/MEX/3) | |
| Mongolia | 3 September 1990 | | |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| Nicaragua | 26 November 1990 | 15 October 1992 (CEDAW/C/NIC/3) | Twelfth (1993) |
| Norway | 3 September 1990 | 25 January 1991 (CEDAW/C/NOR/3) | |
| Panama | 28 November 1990 | | |
| Peru | 13 October 1991 | | |
| Philippines | 4 September 1990 | 20 January 1993 (CEDAW/C/PHI/3) | |
| Poland | 3 September 1990 | 22 November 1990 (CEDAW/C/18/Add.2) | Tenth (1991) |
| Portugal | 3 September 1990 | 10 December 1990 (CEDAW/C/18/Add.3) | Tenth (1991) |
| Republic of Korea | 26 January 1994 | | |
| Romania | 6 February 1991 | 19 October 1992 (CEDAW/C/ROM/2-3) | Twelfth (1993) |
| Russian Federation | 3 September 1990 | 24 July 1991 (CEDAW/C/USR/3) | |
| Rwanda | 3 September 1990 | 18 January 1991 (CEDAW/C/RWA/3) | Twelfth (1993) |
| Saint Lucia | 7 November 1991 | | |
| Saint Vincent and the Grenadines | 3 September 1990 | 27 September 1991 (CEDAW/C/STV/1-3) | |
| Spain | 4 February 1993 | | |
| Sri Lanka | 4 November 1990 | | |
| Sweden | 3 September 1990 | 3 October 1990 (CEDAW/C/18/Add.1) | Twelfth (1993) |
| Togo | 26 October 1992 | | |
| Ukraine | 3 September 1990 | 31 May 1991 (CEDAW/C/UKR/3) | |
| Uruguay | 8 November 1990 | | |
| Venezuela | 1 June 1992 | | |
| Viet Nam | 19 March 1991 | | |
| Yemen | 29 June 1993 | 13 November 1992 (CEDAW/C/YEM/3) | Twelfth (1993) |
| Yugoslavia | 28 March 1991 | | |

| States parties | Date due* | Date of submission | Considered by Committee (session/year) |
|---|---|---|---|
| | D. Reports submitted on an exceptional basis | | |
| Bosnia and Herzegovina | | 1 February 1994 oral report (see CEDAW/C/SR.253) | Thirteenth (1994) |
| Federal Republic of Yugoslavia (Serbia and Montenegro) | | 2 December 1993 (CEDAW/C/YUG/SP.1) 2 February 1994 oral report (see CEDAW/C/SR.254) | Thirteenth (1994) |

* One year prior to the due date, the Secretary-General invites the State party to submit its report.